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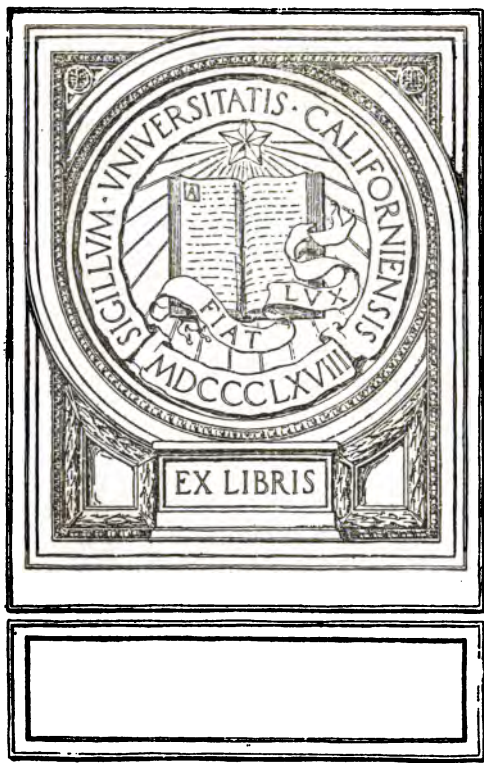
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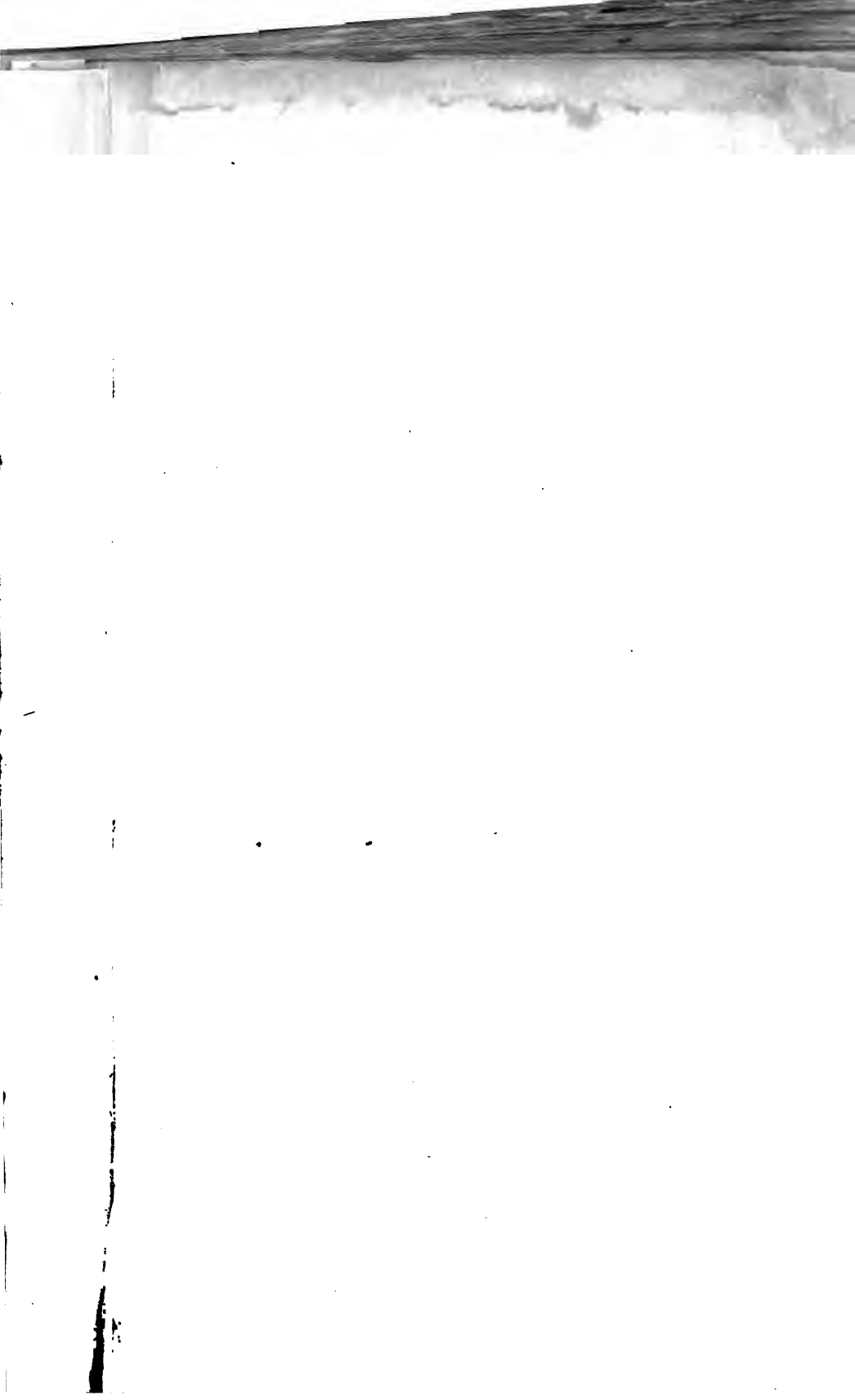
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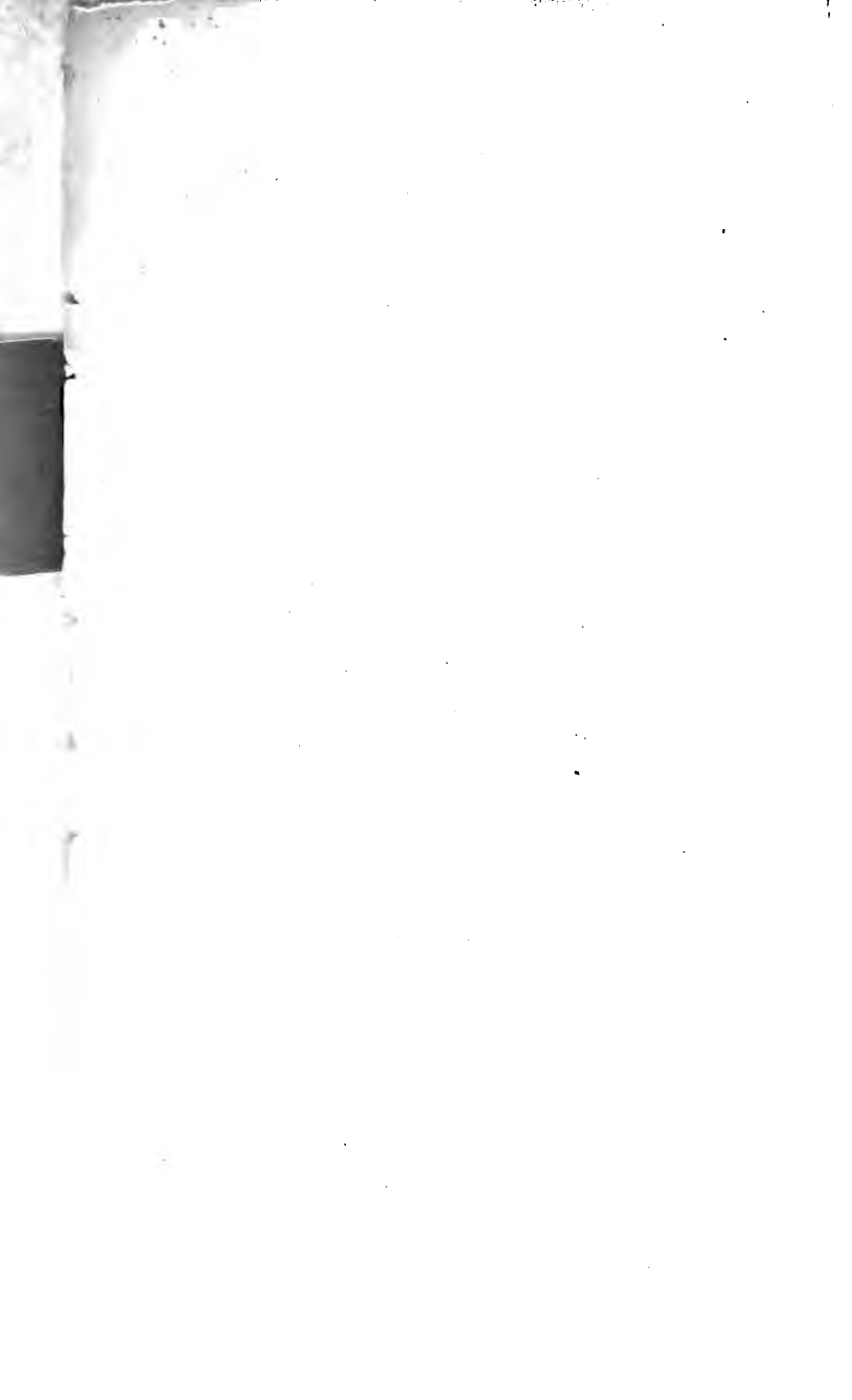
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PARLIAMENTARY GOVERNMENT

CONSIDERED WITH REFERENCE TO

A REFORM OF PARLIAMENT.

An Essay.

BY

EARL GREY.

LONDON:

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Publisher in Ordinary to Her Majesty.

1858.

TO VNU
ABRORUAD

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PREFACE.

THE following Essay was begun, and great part of it written, a considerable time ago, and without any view to its publication. I have determined to finish and to publish it, because there seems to be no doubt that the subject to which it relates is about to occupy the serious attention of Parliament and of the Country. Her Majesty's Speech from the Throne, on the 3rd of December, has given ground for expecting that some measure of Parliamentary Reform will be proposed by the Government in the Session of 1858.

Though I entertain no doubt that a further Reform of Parliament is needed, I regret that it is to be attempted immediately, and, as I believe, prematurely. Upon considering the various schemes for the improvement of the Representation of the People which

have been proposed, and the manner in which the Reform Bills laid upon the table of the House of Commons by Lord John Russell, in the years 1852 and 1854, were received, I am led to the conclusion that no partial measure is likely to be carried, or, if carried, to prove beneficial to the Nation. Assuming that the existing constitution of the House of Commons cannot remain unaltered, I am persuaded that the best and safest course will be to attempt a complete revision of our Representative System, rather than the introduction of minor changes founded upon no fixed principle, and arbitrary in their character and extent. But the Country is not at present prepared for so large a measure as would be found necessary if a complete revision of our Representation were determined upon; nor could any Ministry now hope to carry such a plan, even if it were able to prepare one, without further inquiry. More discussion out-of-doors is wanted, before this most difficult subject can be considered ripe for being dealt with by Parliament.

The principles and practical working of the Constitution, as it stands, require to be carefully studied, and its real defects to be ascertained, in order that the

objects to which measures of reform should be directed may be determined, and a sound judgment formed as to the means of effecting them.

These pages are intended as a contribution to that preliminary inquiry, which I believe to be necessary before any plan of Parliamentary Reform can be either drawn up, or considered with advantage. But in expressing my opinion that further inquiry and discussion ought to precede an attempt to legislate upon a subject of such vital interest, I must guard myself against being supposed to make this suggestion with any view of getting rid of a troublesome question for an indefinite time. Far from entertaining such a feeling, while I deprecate precipitation in dealing with this subject, I consider it to be one of which as prompt a settlement as is consistent with due deliberation is indispensable for the welfare, if not for the safety, of the Nation. I recognize the necessity, and even the urgent necessity, of amending our Constitution; but I hold that it would be most unwise to risk its destruction by haste and rashness in attempting to improve it, since, with all its faults, it has been the means of securing to this Country a larger measure of true freedom, and of good go-

vernment, than any other nation upon earth has enjoyed.

I have only to add, that I greatly regret having been compelled, in the course of my argument, to express in strong terms my unfavourable opinion of the Government of the United States of America; and I am anxious to explain, that this opinion applies to the Government only, and not to the People of those States. For that People I feel very sincere goodwill and high admiration, though I am not blind to the fact that, like every other Nation, they have their own peculiar faults.

December, 1857.

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UNIV. OF
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PARLIAMENTARY GOVERNMENT

AND

REFORM OF PARLIAMENT.

CHAPTER I.

ORIGIN AND RESULTS OF PARLIAMENTARY GOVERNMENT.

OFTEN as the British Constitution has been described and discussed, it affords a subject for inquiry that is still far from being exhausted. The changes it has undergone, and the manner in which its working at the present day has been affected by these changes, do not appear to have been yet examined as closely as they deserve. And while it must always be interesting to study the Government under which we live, it is especially so at a time when there is reason to anticipate that alterations of extreme importance in its existing arrangements will soon be attempted.

In speaking of that Government, Burke has ad-

mirably said, that "the machine of a free Constitution is no simple thing, but as intricate and as delicate as it is valuable." Concurring in this opinion, I believe that the whole construction of the machine requires to be very carefully examined before we can safely attempt to improve it, even in what may appear at first sight to be minor details; because parts of a machine which may seem to an ignorant or a careless observer very unimportant, may in reality be essential to its safe working. For this reason, I conceive that, as a first step towards arriving at a sound judgment with regard to the nature and extent of the reforms now required in our Constitution, it can hardly fail to be of use to inquire in what respects Parliamentary Government, as it now exists in this country, differs from other forms of Representative Government; what are its chief merits and faults; whether any of the causes of its success among us can be traced; how its working has been affected by the great constitutional change accomplished in 1832; what are the principal defects which experience has brought to light in our representative system, as it has been modified by the celebrated Acts passed in that year, "for the amendment of the Representation of the People in Parliament;" and how any attempt to remove these defects should be conducted.

Such are the questions which I propose to consider

in the following pages ; and although I am very sensible how little I can do justice to so difficult a subject, I would fain hope that my remarks may be found not altogether destitute of value (at least as suggesting materials for thought to others), since they are the fruit of the observation of more than thirty years, during which time I have enjoyed no small opportunities of closely watching the working of our government. In discussing the questions I have undertaken to examine, I shall abstain from adverting further than may be necessary for the elucidation of my immediate subject, to the fundamental principles of our Constitution, and to the division of power between the different authorities of the State on which it is founded. These have been described and commented upon by writers of such eminence, that it would be worse than useless for me to go again over ground which they have fully occupied. Nor, in fact, have I any temptation to do so. The writers I allude to have considered the British Constitution with reference rather to the legal distribution of power among the several authorities of the State, and to the manner in which the power assigned to each was formerly exercised, than to the practice of the present day ; whereas my object is to inquire into the nature and the operation of the system of Parliamentary Government now established in this country.

In prosecuting this inquiry, I have in the first place to remark, that, since the establishment of Parliamentary Government, the common description of the British Constitution,* as one in which the executive power belongs exclusively to the Crown, while the power of legislation is vested jointly in the Sovereign and the two Houses of Parliament, has ceased to be correct, unless it is understood as applying only to the legal and technical distribution of power. It is the distinguishing characteristic of Parliamentary Government, that it requires the powers belonging to the Crown to be exercised through Ministers, who are held responsible for the manner in which they are used, who are expected to be members of the two Houses of Parliament, the proceedings of which they must be able generally to guide, and who are considered entitled to hold their offices only while they possess the confidence of Parliament, and more especially of the House of Commons.

By this arrangement the Executive power and the power of Legislation are virtually united in the same hands, but both are limited,—the executive power by the law, and that of legislation by the necessity of obtaining the assent of Parliament to the measures brought forward, so that even the strongest administrations do not venture to propose the passing of

* See Blackstone's 'Commentaries,' book i. ch. 2.

laws to which public opinion is decidedly opposed. The exercise of this high authority is also placed under the check of a strict responsibility and control, and its possession is made to depend on the confidence placed by the Representatives of the People in the Ministers to whom it is committed. There is a further safeguard against abuse, in its being requisite that the Ministers of the Crown should obtain its direct sanction for all their most important measures. The Crown, it is true, seldom refuses to act upon the advice deliberately pressed upon it by its servants, nor could it do so frequently without creating great inconvenience. But the Sovereigns of this country nevertheless may, and generally have exercised much influence over the conduct of the Government; and in extreme cases the power of the Crown to refuse its consent to what is proposed by its servants, may be used with the greatest benefit to the nation. A refusal on the part of the Sovereign to sanction measures which the Ministers persist in recommending as indispensable, is indeed a legitimate ground for their resignation: and if the question which leads to this is one on which they have the support of public opinion, they must in the end prevail. But if this high power is exercised with wisdom, and is reserved for great emergencies, the Crown may generally calculate on the support of the Nation in refusing to sanction mea-

asures improperly pressed upon it by its Ministers, especially where the measures so urged involve an abuse of the royal authority for their own party objects.

Such a government as I have now described, has obviously but little resemblance to that under which our ancestors lived in the reigns of the Plantagenets, the Tudors, and even of the Stuarts. The Sovereigns of these Houses took a far larger personal share in the government of the country than those of modern times. Their Ministers, instead of being counsellors whose advice can seldom be rejected, and who cannot really be dismissed at pleasure, were, in the strictest sense of the words, the servants of the Crown, and the instruments for giving effect to its commands. Parliament was then, as now, the guardian of the interests of the Nation ; but its mode of action was quite different from what it has since become. It was seldom slow to interfere by remonstrance, by insisting on the removal and punishment of favourites and bad advisers, and even on great emergencies by the deposition of the King, when the abuse of the royal authority excited strong discontent in the Nation ; but, except on such occasions, it meddled little with the conduct of the Executive Government. Its power, resting on its control over the public purse, was greatest when the demands for money were the

most pressing; that is, practically, when there was most need for the exercise of its authority. When public affairs were ill-administered under weak and foolish princes, want of money almost invariably ensued, which compelled them to submit to the advice of their Parliaments. On the other hand, the ablest Sovereigns of those times exercised a larger measure of independent authority, by so managing their finances as generally to avoid the necessity of asking for extraordinary pecuniary aid, except when engaged in war, for which Englishmen have in all times been but too ready to give their money and their blood.

This comparatively simple form of government, which was well suited to the state of society and the circumstances of the country at the time, was very unlike (as I have already observed) our own far more complex system of Parliamentary Government. But, wide as is the difference between these two systems of Government, the one has grown naturally out of the other, by the gradual development of principles, which are to be recognized in the working of our Constitution almost from its earliest days. The change has been brought about partly by legislation, but far more by slow and silent alterations of practice and of usage, introduced to meet the new wants of an advancing society, and the new difficulties which from time to time arose in managing the more and more

complicated affairs of a country continually increasing in wealth and population.

I will not attempt to trace the successive steps by which our present system of Parliamentary Government has been thus gradually created; it is sufficient for me to observe, that it may be considered to have begun, though at first in a very imperfect form, in the reign of William III.,* that it acquired more consistency and regularity in that of Anne, but can hardly be said to have been completely established until after the accession of the House of Hanover. So late as the beginning of the reign of George I., Lord Oxford pleaded the commands of the Sovereign as a justification of the acts of the Ministers, in the debate in the House of Lords on his impeachment; on which Mr. Hallam remarks, that "the first instance where I can find the responsibility of some one for every act of the Crown strongly laid down, is in a speech of the Duke of Argyll, in 1739."† It is hardly necessary to observe that this rule is now regarded as one of the fundamental principles of our Constitution.‡

Even up to our own time, Parliamentary Govern-

* See Macaulay's 'History of England,' vol. iv. pp. 434-436.

† Hallam's 'Constitutional History of England,' vol. iii. p. 315.

‡ Arguments have sometimes been used, even of late years, which imply that the administration of the army ought to be an exception to this rule. It has been said more than once, and by very high authorities, that the administration of the army belongs solely to the

ment has continued to undergo important modifications, and to have its rules and practice more clearly defined and more firmly settled. These modifications have generally been effected through the establishment of some new practice for the sake of convenience, or the decision of undetermined constitutional questions by controversies which, arising accidentally from the events of the day, have produced permanent and sometimes very important results. Thus the highly beneficial custom of holding Cabinet Councils without

Crown, and that any interference with it by the House of Commons ought to be carefully guarded against as unconstitutional. Any direct interference on the part of either House of Parliament with the management of the army, would undoubtedly be a violation of the principles of our Constitution; but the same observation applies to every branch of the executive authority. The Long Parliament, by its committees, assumed various executive functions; but its doing so is admitted to have been a usurpation, and since that time the rule has been recognized both in theory and in practice, that all such functions belong only to the Crown. This rule is quite consistent with another not less important, namely, that either House of Parliament is entitled to offer its advice to the Crown on the manner in which any of its powers are exercised, and that there can be nothing done by the royal authority for which some servant of the Crown must not be responsible to Parliament. There is no distinction in this respect between the exercise of the Royal authority over the army and over all other branches of the public service, and it certainly would not be for the true interest of the Sovereign that any such distinction should be drawn. If some servant of the Crown is not to be held responsible for every act done in the management of the army, that responsibility must of necessity fall on the Sovereign personally. But nothing could be more dangerous for the Sovereign than to be subjected to such personal responsibility, by which the

the presence of the Sovereign arose from George the First's not knowing English; and the contest, which in the reign of George the Third ended in establishing the practice of publishing the debates of the two Houses of Parliament, made a change of transcendent importance in the working of the Constitution, without the passing of any new law.

Parliamentary Government having thus been more or less completely in operation among us for about a century and a half, we must judge of its merits by the state and progress of the Nation during that period, since the only real test of the advantages and disadvantages of different forms of government is that afforded by their results. Applying this test to our system of Parliamentary Government, and making due allowance for the imperfection of all human institutions, it must, I think, be admitted, that our judg-

odium of having caused some great military disaster might be thrown upon the Crown instead of on its Ministers. Nor would the inconvenience be much less, if it were maintained that the Commander-in-Chief were to be singly responsible for all acts of military administration. The holder of that office would stand in a most unsafe position, if he could not depend upon the support of the Ministers of the Crown in case of his measures being questioned in Parliament; and they cannot be expected to give this support, unless the officer who trusts to it communicates with them in the performance of his duties, in such a manner as to enable them to guard against his taking, or omitting to take, any step for which they will not be prepared to defend him.

ment of it ought, on the whole, to be favourable. Our national annals since the Revolution of 1688 present, it is true, a sad picture of the selfishness, baseness, and corruption of the great majority of the actors on the political stage, and record too many lamentable follies and excesses into which the Nation has allowed itself to be misled by passion and prejudice. But this seems to be rather the fault of human nature than of our institutions; at least I am not aware that there is any country of which the history would not justify remarks equally severe on the conduct of its statesmen and of its people; while, on the other hand, we may safely assert that Great Britain* stands distinguished among the nations of the earth for the prosperity it has enjoyed, and for the social progress it has made during the time it has been under a Parliamentary government.† Internal tranquillity has scarcely been interrupted during that whole period, except by the two brief rebellions of 1715 and 1745; the security of persons and property has been almost uniformly main-

* I must acknowledge, with deep regret and shame for my country, that this would not be true if it were said of the whole United Kingdom, including Ireland; but Ireland has only been placed under the same government as Great Britain for rather more than half a century, and it is not yet thirty years since the Union of the two countries has been rendered complete by the repeal of the last of the penal laws against the Roman Catholics.

† M. de Rémusat, in his 'L'Angleterre au XVIII^{me} Siècle,' has well described the results of Parliamentary Government in this

tained, together with a more than usual exemption from injurious restraints on the freedom of individual thought and action. Fostered by these advantages, industry and commerce have flourished almost beyond example, and, in spite of the heavy drain on our national resources, occasioned by the wars in which we have been engaged, the population, wealth, and power of the country have been wonderfully increased. The material prosperity which the nation has enjoyed during the period in which it has been under a Parliamentary government, is too well known to require to be further insisted upon; but I must remark that this period is still more distinguished as one of great intellectual activity and moral improvement. The former has been evinced by the successful cultivation of literature and of science, and the application of science to all the useful arts. Abundant evidence of the moral improvement which has been going on may be found in the remarkable change for the better which has

country during that century in the following passage:—"Qu'on recrie donc sur le mal, on le peut; qu'on signale avec indignation les violences et les mensonges de l'esprit de parti, la vénalité effrontée, les excès de l'orgueil, de l'avidité et de la haine; que l'on remarque même dans le passé de la société Anglaise une certaine rudesse d'égoïsme de l'ancienne Rome, il n'en reste pas moins vrai que nulle nation n'a été à la fois plus libre, plus heureuse et plus puissante, et que dans les temps modernes les vertus politiques n'ont brillé longtemps que chez elle. La race Anglo-Normande est restée digne de sa liberté." (Vol. i. p. 103.)

taken place in the habits of all classes of the people since the Revolution of 1688. Notwithstanding the vices and the political abuses and corruption which have undoubtedly prevailed, the standard of right and wrong to which opinion requires men to conform, both in public and private life, has been gradually raised, though it is still unfortunately much lower than it ought to be. This last point is one of paramount importance, and I think our form of government compares advantageously as regards its effect on the national character with the governments of other countries, whether we look to those which give a less amount of liberty to the people, or to those of a much more democratic character than our own, like that of the great kindred Republic of the United States of America.

I am far indeed from attributing all that is satisfactory in our condition to our form of government; but at all events the government to which this country has been subject has permitted its condition to become what we now see it. And perhaps little more can be expected from any government, than that it should allow a fair field for the exertions of individuals in working out the physical and moral welfare of the people, and that it should favour the growth of those habits and dispositions of mind which most contribute to that welfare. Parliamentary Government

therefore, if judged by its fruits, may fairly be regarded as having proved successful in this country.

But it is a remarkable circumstance that no other example can be found of a government of this kind having been able to maintain itself for any considerable time. There was no approach to this system of government among the various representative constitutions which prevailed in Europe during the Middle Ages, nor has the constitution of the United States at this day any resemblance to it. After the fall of Napoleon, a government modelled on our own was established in France; but two revolutions in little more than thirty years have shown that, hitherto at least, the scheme has failed. In some of the other States of Europe, and especially in the kingdoms of Belgium and Sardinia, governments of this kind have been adopted, but have been too short a time in operation to enable us as yet to assert with confidence that the experiment* has succeeded. The same remark applies to those British Colonies in which governments of a similar kind have been introduced; the definitive establishment of this system of government does not

* In Belgium, where Parliamentary Government has existed for five-and-twenty years with great success, it has not yet stood the trial of a change of Sovereign, and it is difficult to decide how much of its success hitherto may have been due to the personal character of King Leopold and to the skill and judgment with which he has played the part of a constitutional monarch.

in any of them date back much more than ten years. Hence, although the prospect of its succeeding is at least in some cases encouraging, (in others I fear it is the reverse,) it cannot yet be said to have stood the test of experience.

Having thus taken a general view of the nature and effects of Parliamentary Government in this country, the succeeding chapters of this Essay will be devoted to a more particular examination of the questions which it is my object to consider.

CHAPTER II.

ADVANTAGES OF PARLIAMENTARY GOVERNMENT.

ON comparing Parliamentary Government as it now exists in this country with other Representative Governments, the following seem to be the chief advantages belonging to the former.

First.—It enables the different powers of the State to work together with harmony and energy, and provides for the systematic direction of the measures of the Legislature to objects of public good, more perfectly than Representative Constitutions of a different kind. In the latter, the executive power and the power of legislation are lodged in separate and independent authorities, while under the system of Parliamentary Government, those to whom the executive authority is entrusted, have also the duty of recommending to the Legislature the measures it should adopt, and

must retire if their advice is not generally followed. By this arrangement the Executive Government is able to act with the vigour which the assurance of having its policy supported when necessary by Legislation, can alone give to it. We cannot read a page, either of our own history, or of that of other countries, without perceiving how constantly the Executive Government of a great nation is compelled to apply to the Legislature for new powers, or new laws to meet new exigencies that arise; and how greatly its action would be crippled, if it could not depend upon obtaining the assistance of this kind which it requires.

This remark applies more particularly to financial arrangements. The imposition of taxes, and the appropriation of the revenue to the public service, constitute one of the chief duties of Representative Legislatures, as well as the source of their power. In the performance of this part of their duties, it is of the utmost importance that they should act in strict concert with the Executive Government, or rather under its direction. Without this there can be no security for efficiency and economy in conducting the public service. The Government cannot be responsible for the former, if it cannot command the grants of money it considers necessary for the different branches of the service; while experience has demonstrated, that jobs and injudicious expenditure

in some cases, are no less to be expected than equally injudicious parsimony in others, from entrusting the finances of a State to the uncontrolled management of a popular assembly. Under such a system there is no individual responsibility for errors and abuses that may be committed; and the responsibility which is divided among all the members of a numerous body, is far too slight a restraint upon them to prevent these evils.

They have accordingly prevailed to a very great extent, both in the United States and in some of our own Colonies. Private and corrupt interests have had too much weight in deciding questions relating to the grant of money in their Legislatures, which have also not unfrequently been led into acts of real improvidence, by the reluctance of any individual member to incur the odium of proposing or supporting an unpopular outlay of money or an increase of taxation, however urgently the one or the other might be called for by the true interests of the Country. It is the nature of popular assemblies in a still higher degree than of men acting individually, to shrink from looking unpleasant truths in the face, and to listen with the greatest favour to those who tell them what they wish to believe, and who recommend the measures which will impose upon them the smallest immediate sacrifices. The effects of this disposition are not got rid

of even by throwing on the Executive Government the duty of guiding the deliberations of the Legislature; for unhappily Ministers are too often tempted to propose rather what is agreeable at the moment, than what their judgment tells them would be best for the permanent interests of the Nation. Still, it may safely be asserted, that the responsibility which rests upon Ministers in this country for the financial measures which they propose to Parliament, or to which they assent, is a powerful though an imperfect check upon the tendency to those errors in financial administration to which popular assemblies are most prone.

The same principle applies (though not with the same force) to legislation upon other subjects as well as upon finance. In order that such laws may be passed as are required for the welfare of the Nation, and for its social advancement, it is right that the Ministers should be held responsible both for preparing and carrying these measures, and also for opposing such as may be unwisely urged by others. This is a duty which has been imposed upon the advisers of the Crown only by degrees, and chiefly since the passing of the Reform Acts of 1832. Formerly Ministers took little charge of the proceedings of Parliament on all matters not immediately connected with their executive duties. This led to much

unwise legislation, and to the habitual neglect of all systematic endeavour to effect improvements in our laws as occasion for them arose. A different system has of late years grown up, and the Ministers of the Crown are now justly regarded as responsible for bringing forward such measures as are required, and for opposing any objectionable proposals from other quarters.

Secondly.—Closely connected with the advantage I have just described as belonging to Parliamentary Government, is that which it derives from the manner in which it brings the policy of the Executive Government under the review and control of the Legislature. Parliament does not interfere directly in carrying on the Executive Government; and it is right that it should abstain from doing so, since experience has demonstrated the unfitness of large deliberative assemblies for this function. But every measure of the Ministers of the Crown is open to censure in either House; so that, when there is just or even plausible ground for objecting to anything they have done or omitted to do, they cannot escape being called upon to defend their conduct. By this arrangement, those to whom power is entrusted are made to feel that they must use it in such a manner as to be prepared to meet the criticisms of opponents continually on the watch for any errors they may com-

mit, and the whole foreign and domestic policy of the Nation is submitted to the ordeal of free discussion.

The discussion of the measures of the Executive Government in Parliament contributes to keep the Nation well informed as to its own concerns, and to throw light upon what are its duties, and its true interests, with regard to the various questions with which the Government has to deal. This is more especially useful with reference to the relations of the State with foreign Powers. The policy pursued in this important branch of public affairs is explained by the debates which take place in Parliament, not only to the public at home, but to the civilized world; and the opinion of the world is thus brought to bear upon the Nation and on its rulers. At the same time, as the Crown is invested with large executive powers, which are exercised by its Ministers without requiring the previous sanction of Parliament, so long as they possess its general confidence, the vigorous action of the Government is not impeded, as it would be if Parliament were called upon to concur more directly in conducting it. When the confidence of Parliament is withdrawn from the Ministers, it is their duty to retire, and to make way for others to whom it may be granted; so that the affairs of the country may always be conducted by men who, in their communications with foreign Powers, are able to speak

with the authority which can only belong to the Executive Government while it is supported by the Legislature.

These advantages are not equally secured by other forms of representative government. In the United States, for instance, the two Houses of Congress, and especially the Senate, have great power to thwart the measures of the President and of his Cabinet; but if they disagree with him as to the line of policy which ought to be pursued, they have no authority to enforce the adoption of that which they consider to be right, or to require him to change his Ministers; and the Constitution provides no means by which due concert between the executive and legislative authorities, in conducting the foreign policy of the Nation, can be restored, if it should be interrupted, during the term for which the President is elected.

Thirdly.—It is another great advantage which may, I think, justly be attributed to Parliamentary Government, that it renders the contests of men for power as little injurious as possible, and furnishes what seems on the whole the best solution hitherto discovered of the great problem, how to provide some safe mode of determining to what hands the principal direction of public affairs shall be entrusted. Ambition is so strong a passion of human nature, that in every age of the world, in every state of society,

and under every different form of government, men have continually carried on, in some way or other, contests for political power. In the old despotisms of the East, the earliest Governments of which we have any historical record, open violence, murder, and treason seem to have played the principal part in these contests. We read of one despot thus wresting the sceptre from another; or of ambitious Ministers snatching, by the destruction of their rivals, the power exercised in the name of their nominal masters. Among the semi-civilized nations and tribes of Asia, the same means are to this day employed for the same object, and bloody changes of rulers are of constant occurrence.

In other states of society, free Governments have not been exempt from evils of the same kind with those to which these despotisms have been liable, but have often been distracted, and sometimes ultimately overthrown, by sanguinary tumults and civil wars arising from contests for power among ambitious men. Society must be considered to have made a great step in advance, when violence and bloodshed can be excluded from these contests, but much evil may remain even when this has been accomplished. When force ceases to be employed, the struggle for power in despotic governments usually assumes the form of a strife for the favour of the

Sovereign. If he is a great and wise ruler, this favour is won by the ability and honesty of the servants he selects; but history teaches us, that even the best despots are apt to be deceived in this all-important matter, and that the favour of kings is not in general obtained by those qualities which render men most fit to be trusted with power. Too often, as in France before the Revolution, the surest road to power has been found in flattery, or in base compliances to mistresses and favourites. In a pure democracy, when the People at large directly choose their rulers, flattery and unworthy compliances seem equally to be the means resorted to for obtaining power, the arts used being much of the same character as under a despotism, with the single difference, that it is the People themselves whose passions and prejudices are encouraged and flattered, instead of the despot or his favourites. It is by no means clear that this difference renders the use of such arts less dangerous or less demoralizing to the Nation. The Presidential elections seem, from the accounts given to us by the best observers, to exercise a most pernicious influence on the national character in the United States; and the tone of the newspapers, and of the speeches made in favour of different parties, in these exciting contests, leads to the same conclusion.

M. de Tocqueville has shown, that the effect of the

system has been nearly to exclude from public business the men most eminent among their fellow-citizens for talents and for virtue. Since he wrote, these evils have grown more and more apparent; and it is becoming a subject of anxious speculation, to those who take an interest in the welfare of mankind, what part the United States will hereafter play in the affairs of the world. They possess gigantic and fast increasing power, the direction of which seems day by day to be falling more completely into the hands of the least estimable of their citizens,—men little under the restraint of any sense of justice, or of right or wrong among nations, and whose party organization enables them to control the measures of those who are ostensibly entrusted with the conduct of affairs.

In Parliamentary Government, as it now exists among us, the contest for power is still substantially a contest for the favour of the People. Public opinion determines, in the last resort, to what hands authority shall be entrusted; for though the Ministers are the servants of the Crown, and are appointed by the Sovereign, yet as the Sovereign must choose Ministers who can command the confidence of Parliament, it is practically the People who decide, through their Representatives, by whom the powers of Government shall be wielded. There is, however, a vast difference in the effect produced by giving to the People, instead

of the power of nominating their rulers by direct election, only an indirect control, through their Representatives, over the selection of the Ministers by whose advice the powers of the Crown are exercised.

Parliament, and especially the House of Commons, is become, not only the authority which virtually decides the contest for power among the different candidates for it, but also the arena in which the contest is mainly carried on. Its debates are the means by which rival parties chiefly seek to recommend themselves both to the House itself and to the Public; and, though it is easy to perceive the imperfection of this method of determining by whom the affairs of the Nation are to be administered, and the very serious evils to which it gives rise, it may well be doubted whether any better method of deciding this great question has yet been discovered, and found to succeed in practice.

Experience has proved that the system of Parliamentary Government provides a safe mode of effecting changes, from time to time, in the persons to whom power is committed. It is impossible, while ambition continues to be one of the strongest passions of human nature, that such changes should not take place; nor is ambition their only cause. Men seem to get tired of being very long subject to the same ruler, so that when the reigns of even the best and

most popular Sovereigns who have kept power in their own hands, have been unusually protracted, the accession of unknown and perhaps very inferior successors has commonly been hailed with satisfaction by their subjects; as when James the First was raised to the throne of England by the death of Queen Elizabeth. This feeling by no means arises from the mere capriciousness of human nature. The long possession of power has a tendency to unfit men for making the best use of it, and there can be no doubt of the great advantage which a Nation derives from having the management of its affairs occasionally transferred to the hands of men who bring to the task fresh minds, and the knowledge and judgment acquired in private life. A change of rulers is also the only effectual means by which a Nation can obtain a change in the system of government, when this is called for by the state of its affairs or of public opinion. Thus the Emperor Paul* was murdered, in order to effect a change in the policy of Russia, which was considered necessary by its leading men. In this country a change of Ministers affords the

* "Les institutions ont encore plus tort que les hommes. . . . A Pétersbourg on égorgeait un empereur pour amener un changement de politique; à Londres, au contraire, sans catastrophe sanglante, la politique de la paix y succédait à la politique de la guerre, par la substitution de M. Addington à M. Pitt."—*Thiers, Histoire du Consulat et de l'Empire*, vol. ii. p. 437.

means of accomplishing a transfer of power to new hands, without violence or disturbance of the public peace. The fall of Sir Robert Walpole has been said to have probably averted a revolution,* since the intense desire of the Nation at that time for a transfer of power from the hands by which it had been so long held (and, it may be added, on the whole so wisely used) could hardly have failed to produce a change of dynasty if it had not been appeased by the overthrow of the Minister.

The practice of providing for occasional changes in the persons to whom the administration of public affairs is entrusted, by changes of Ministry occurring at uncertain intervals, as the necessity for them arises, has also marked advantages over another system of government which, to a certain degree, meets the same object, by placing the supreme authority in the hands of a single individual, or of a council or more numerous body, elected for a fixed period. Under this last system, those who are chosen to exercise power can have it entrusted to them for only a very limited time, unless the risk is incurred of its being sometimes left in the hands of men whose policy has ceased to be in harmony with the feelings and opinions of the Nation. Though the President of the United States is elected for only four years, it is

* See Lord J. Russell's 'Essay on the English Government,' p. 189.

well known to have happened more than once, that those who have been called to that post by the votes of their countrymen, have lost the public confidence before the end of their term of office.

On the other hand, if supreme power in the State is given to one or more persons for a fixed and short time, much inconvenience must arise from the frequent recurrence of the agitation and excitement produced in a Nation when it is called upon to choose its rulers, and also from the weakness and want of proper authority which those who hold power only for a limited term must necessarily experience when the expiration of that term approaches. Both these evils are strongly felt in the United States. All observers agree as to the mischievous consequences which arise from the almost unceasing excitement occasioned by the Presidential Elections and by the preparations which, soon after one such contest is over, begin to be made for another. Scarcely less inconvenience arises from the want of proper authority in the President, which gradually becomes apparent as the time for his leaving power draws near.* It is obvious that the commands of the Chief of the State can carry little weight in the internal government, as soon as it becomes probable that he will not hold office long enough to punish disobedience or to reward zealous

* See 'Démocratie en Amérique,' vol. ii. p. 154 (13th Edition).

service; while it is by no means impossible that his subordinates may sometimes think, that to thwart his measures may be the surest mode of recommending themselves to his successor. The holders of a power which is about to expire must experience still greater difficulties in managing the relations of a State with foreign countries.

Our system of Parliamentary Government, though it must be admitted that it mitigates only, and does not obviate, the evils arising from contests for power, is at all events free from these inconveniencies. The Nation is not kept in constant excitement by the progress or prospect of an election of its chief magistrate; and when a change of Ministers becomes necessary, there is seldom an interval of more than a few days, or at all events of a few weeks, between the time when one Administration loses its moral power, by its being ascertained that it must retire, and the appointment of a new one.

On the all-important point of providing for the selection of fit men to govern the Nation, experience seems also to be in favour of the system of Parliamentary Government. Taking the whole period, from the Revolution downwards, it can hardly be disputed, that the Statesmen by whom this Country has been governed, have generally shown themselves not wanting in ability, and need not fear a comparison, in

this respect, with the successive rulers of any other Nation during an equal number of years. Greater men than perhaps even the greatest who have risen to eminence in Parliamentary contests, have been raised by other means to power in various countries, especially in times of political convulsion; but the interest of a State requires, rather that its affairs should be managed by a succession of capable men, than that they should generally fall into inferior hands, with an occasional brilliant exception. It is also more for the interest of a Nation, that it should be governed even by the most ordinary men who may be brought into power without disturbance to its internal peace, than that it should sacrifice the inestimable blessing of domestic tranquillity, to obtain a ruler of the highest genius. Mr. Carlyle, with all his contempt of mere talk, and all his admiration for his hero Oliver Cromwell, would hardly hold it to be desirable for a Nation to pass through the horrors of a civil war, in order to find out, and to raise to power, the unknown Cromwells who may be concealed among its inhabitants. I am not aware of any means of determining by whom a country is to be ruled, which experience will justify us in considering as more successful than our own system in bringing forward able men, and at the same time consistent with the maintenance of internal peace.

Success as a Parliamentary debater is indeed far from being a certain index of a man's fitness for the duties of a Minister, but it is, at least, no bad test of intellectual power, and of the knowledge which a Minister possesses of the affairs entrusted to his management. No prompting by subordinates, and no assistance which can be commanded, can prevent the ignorance of a Minister, when it exists, from being brought to light by the strict ordeal of Parliamentary discussion. Our system, therefore, affords a very tolerable security that the highest offices of the State shall, in general, be filled by men not greatly wanting in the indispensable qualifications of capacity and knowledge. Nor is it true, that the confidence of the House of Commons can be gained merely by talents for debate. To win and keep that confidence, other qualities are required; and these are undoubtedly of a far higher kind, not only than those by which the Ministers of a despotic Sovereign usually obtain the favour of their master, but also than those by which, in the United States, candidates for the Presidency are often recommended to the Electors. A man who has failed to establish, in the party he belongs to, a character for the judgment with which he can conduct it, and for ability, can hardly become, as the leader of the House of Commons, the most important member of a British Ministry. But such

a man may, as we know, not only be elected President of the United States, but may even owe his being raised to that high position to the fact of his not being distinguished by the possession of eminent talents or any other great qualities.

Fourthly.—It is another advantage of Parliamentary Government, that, by causing the inevitable contests among men for power to assume the form of debates on the policy by which the Nation is to be governed, and on measures affecting its most important interests, it has tended to raise these contests above those of a mere selfish and personal character. No doubt selfish and personal interests have often really governed the conduct of Parliamentary leaders and their followers; but the motives publicly appealed to have been of a far higher order; and though the practice of politicians has fallen lamentably short of their theory, the habit of Parliamentary debates, in which high principles of right and wrong have been recognized, and unworthy conduct meets with severe reprobation, has tended to raise by degrees the standard to which men are expected to conform in public life, and to render ambitious men less unscrupulous in their conduct in this than in other countries. If we compare our own political contests with those of other times and of other nations, I think we may fairly take credit to ourselves to this extent. At the same time,

we have little reason to boast ; and we must acknowledge and lament, that the improvement made in our own political morality, during the last century, is very small as compared to what is wanted. It is still common for improper means, such as corruption and immoral compliances with the prejudices and passions of the day, intrigue, or abuse of the great power of the Press, to be employed for the purpose of securing victory in Parliamentary contests, and of recommending individuals and parties to the favour of the Nation and of its Representatives.

Fifthly.—The mode in which our Parliamentary contests have been carried on, has had the further and great advantage of contributing much to instruct the Nation at large on all the subjects most deeply concerning its interests, and to form and guide public opinion. If men's passions and feelings were not so much excited by political struggles, it is not likely they would read, as they do, the debates in Parliament in which these subjects are discussed, and in which, amidst all the trash and sophistry that disfigure them, the keen encounter of intellects seldom fails in the end to lead to the discovery of truth and to the triumph of sound reason over error. The value of Parliament as an instrument for the instruction of the Nation, and for enabling it to arrive at just and wise conclusions on matters affecting its welfare, is

hardly less than that which belongs to it as the organ for expressing and enforcing the national will when it has been deliberately formed. The former function our Parliament discharges much more perfectly than the Congress of the United States,—probably, in part, because the debates in Congress are not read with the same interest, from their having no immediate effect on the tenure of power by those to whom the Executive Government is entrusted.

Such appear to be the chief advantages which belong to Parliamentary Government, as it now exists in this country. On the other hand, it has also its evils and its dangers, which I shall next proceed to consider.

CHAPTER III.

EVILS AND DANGERS OF PARLIAMENTARY GOVERNMENT.

AMONG the evils and dangers of our system of Parliamentary Government, the worst are probably those which arise from its tendency to encourage corruption,—including, under the general name of corruption, all the various methods which may be used to bias men from the right exercise of their political power, and the honest discharge of their political duties, by appeals to their selfish interests. A tendency to corruption in this sense of the word is the common evil of all free Governments. No such Government, of which we possess a trustworthy account, has been exempt from the taint, nor do I see any reason for believing that it has prevailed to a greater degree in this country than elsewhere.

Without going back to ancient times, if we turn to the United States, which stand next to ourselves in the list of nations possessing free Constitutions, we

shall find symptoms of the existence of corruption, not less extensive, and of a worse kind than here.* We know, from the authentic evidence of the laws passed against bribery at elections, that corruption in this its most naked form is no more unknown in the United States than among ourselves. The distribution of places in the public service for party and personal objects, instead of with a view to the public interest, takes place there to an extent and with a total absence of any attempt at concealment, which throws quite into the shade any such abuses of which we have to complain. We are told that the accession to office of a new President, is habitually followed by the immediate transfer of some thousands of places from the former holders to his own adherents; and, what is yet worse, imputations have been freely made, not only of the abuse of their trust by public servants in the United States, for the purpose of enriching themselves by illicit gains, but also of such practices having been connived at for party purposes. Money also is notoriously much used, in gaining the support of the Press for measures calculated to promote the interests of individuals or of parties; and it has even been asserted, and believed, that attempts to obtain the passing of acts of legislation by directly pur-

* See M. de Tocqueville's '*Démocratie en Amérique*,' Tremenhère on the Constitution of the United States, etc.

chasing the support of Members of influence in Congress, or in the State Legislatures, have neither been uncommon nor unsuccessful. No man believes that in this country the passing of an Act of Parliament could be obtained by the most profuse expenditure of money, in trying to gain the votes of Members of either House; and the attempt to carry a Bill by such means would be so dangerous, that it is not likely to be made.*

But there is this peculiarity about Parliamentary Government, as compared with other forms of free government, that in the latter, corruption is as it were an accident,—very probably an accident which may always attend them, but still an evil the entire extirpation of which, if it were possible, would have no tendency to derange their working; whereas Parliamentary Government derives its whole force and power of action from the exercise of an influence which is at

* I fear this assertion only holds good with regard to our public legislation. In the passing of private Bills, and especially of Railway Bills, it is believed that money or money's worth has had much influence in both Houses of Parliament. I hope that the extent to which this has been the case is exaggerated, but I am not prepared to dispute the existence of some ground at least for the belief commonly entertained. It is however to be observed, that in private legislation, the Members of both Houses are subject to much less responsibility (as their conduct is less open to scrutiny) than they are with regard to public Bills, and also that the Government in general exercises a very slight control over the former.

least very much akin to corruption. The possession and exercise, by the Ministers of the Crown, of a large measure of authority in Parliament, is the foundation upon which our whole system of government rests; while this authority has from the first been maintained principally by means of the patronage of the Crown, and of the power vested in the Administration, of conferring favours of various kinds on its Parliamentary supporters. Sir Robert Walpole's Administration has become almost proverbial for its extreme corruption, and there is no doubt that he retained the command of his majority in the House of Commons mainly by corrupt means, among which were included the habitual use of direct money bribes to Members of Parliament. But it seems pretty clear that, with respect to corruption, the chief difference between Sir Robert Walpole and the Ministers who preceded and followed him was, that he took less pains than others to conceal the methods he employed for obtaining Parliamentary support, and that the same methods continued long afterwards, to be as largely and systematically used for the same purpose.

By degrees corruption ceased to be practised in the coarse form of money bribes to Members of Parliament; but the same end was attained by jobs of all kinds, perpetrated for the benefit of those who had influence in returning Members of the House of

Commons, and by the abuse of an enormous patronage, for their advantage. The arts by which this was accomplished, and by which votes in the House of Commons were obtained, in return for favours bestowed on Members themselves, their patrons, or constituents, were reduced to a regular system, and brought to a high pitch of perfection. This system continued in full force up to the time of passing the Reform Act, in 1832. By that measure, by the diffusion of education, and by the increasing power of opinion, a great improvement in political morality has been effected. No Minister would now dare to be guilty of the practices which were formerly common, and favour is become a far less potent instrument of government than it was. But it would be idle to deny, that it still continues to be one of the chief sources of the moving force by which the action of the political machine is maintained. The power which the Ministry of the day possesses of conciliating its Parliamentary supporters, by favours conferred upon them, either directly or indirectly, through their friends and constituents, is one of the principal means by which the necessary authority of the Government in both Houses of Parliament is supported. Parliamentary Government is essentially a government by party, and one of the bonds by which all parties are kept together is that of the selfish in-

terests of their adherents. Among all classes of men who have any share of political power, whether they are Peers, Members of the House of Commons, or electors, there are too many who allow considerations of their private advantage, not those of the public good, to determine what party they shall support. Electors, we know, are influenced sometimes by actual bribes, or, what is much the same, by money's worth, in the shape of land or houses let to them below their value, sometimes by a wish to secure the favour of those persons in their town or county who are most able to advance their interest. Others again, (often the local leaders of parties,) are led to take an active part in supporting this or that candidate for a seat in the House of Commons, by the hope that, if they are successful, and if the party they espouse is also successful in Parliament, they may expect, by the assistance of the Member to whose return they have contributed, to enjoy a share in the patronage of the Government.

Corruption is the more apt to prevail in this form, because it is difficult in many cases to distinguish conduct which deserves to be branded with such a reproach, from that which is free from blame. No just objection can be taken to a man's seeking employment in the public service, for himself, his friends or relations, by honourable means ; and he may fairly

expect that his political as well as his personal friends will assist him in doing so. Nor can those to whom patronage is entrusted be reasonably censured for giving a preference to their own political friends, in the appointments they make, so long as they neither neglect any just claims to employment on the part of others, nor place it in unworthy hands. It is when men support measures or a party which their judgment condemns, for the sake of office, or when they make appointments, knowing them to be wrong, from favour, or to purchase political support, that their conduct is to be regarded as corrupt. The same actions therefore may be corrupt or not, according to the motives from which they spring; and thus men easily deceive themselves, not less than others, as to the true character of what they do.

This helps to account for the fact, of which I fear there can be no doubt, that the abuse of patronage for the sake of influence is both very common and very injurious to the public interest; and it is through their constituents that such influence is brought with most power to bear upon Members of the House of Commons. Owing to the love of power and distinction natural to men, there is so general a desire to have a seat in Parliament, and the competition for seats is so keen, that few men can obtain them, except as the adherents of some considerable party; and

the candidates who can procure for their supporters the favours which the Government has to confer, have a decided advantage over their rivals. Thus there is established a chain of influence, from the elector to the Minister, which does not leave the latter at liberty to use the patronage of the Crown with a single eye to the public good, and which is apt to bias both voters and their representatives in the exercise of their respective political powers. The Minister cannot dispense with Parliamentary support: to secure it, he must keep those from whom he receives it in good humour; he cannot therefore resist their urgent applications for favours for their constituents, when they come recommended to him by the Parliamentary Secretary to the Treasury. The Ministerial Member, in his turn, must press on that important functionary the clamorous demands of those who have influence in the county or borough he represents; and that his applications may be favourably listened to, he must be ready to answer the calls which the same functionary, in his character of "Whip," makes for his vote on party questions.

But though it is undoubtedly true, that there never has been a Parliamentary Administration which has not owed some part of its strength to the exercise of an influence more or less corrupt in its character, it is certain that in these days (and probably it was

true even in the worst times,) no Minister can stand exclusively, or even principally, by such means; nor has corruption so large a share as some cynical writers would make us believe, in carrying on the government of this country. All Parliamentary parties have numbered in their ranks many unscrupulous and self-interested adherents; and if the motives of men's public conduct were strictly scrutinized, they would seldom be found altogether free from some taint of selfishness. But admitting this to be true, it is not less true that a love for their country, and a sincere desire to promote what they believe to be its interests, have generally a very large share (commonly, I hope, a principal share) in determining men's choice of a political party. And when great occasions have arisen, a generous contempt of their own individual interest, in competition with their public duty, has been repeatedly shown by all ranks of our countrymen, from the leaders of parties, to the humblest voter in some petty borough. It is when no great public questions have been at issue, and when politics have degenerated into a scramble among individuals for the honours and emoluments of office, that corruption has chiefly prevailed. If we were to judge of Parliamentary Government by its character in such times, as for instance, the earlier part of the reign of George III., it would be difficult to overcome the

feeling of disgust created by the general prevalence of corruption, and the low and sordid motives by which the conduct of politicians seems to have been almost universally governed. But whenever great political questions have arisen, on which men's real opinions have been much divided, parties have been formed and bound together far more by agreement and sympathy on these subjects, than by the pursuit of selfish interests. Men have been found to adhere honourably to such parties, under circumstances of the greatest discouragement; and the people have shown themselves superior to all base and mercenary motives, in the exercise of their political rights. The general election in which Mr. Pitt defeated the Coalition, and that of 1831, which secured the passing of the Reform Act, may be cited as cases in which this has happened.

A tendency to encourage corruption, and especially that kind of corruption which consists in the misuse of patronage, must however be regarded as inherent in the system of Parliamentary Government. Nor can it be denied that this system of Government, even when most purely administered, is unfavourable to the selection of men for the subaltern employments in the public service with a single view to their fitness. Every Government which depends for its existence upon the support of a party, must neces-

sarily be influenced more or less by considerations of party interest, in making its appointments, and cannot therefore enjoy the same facilities as Governments of another character for bringing only the fittest persons into the service of the State.

The practice of giving the patronage of the State chiefly to the party in power, has also a tendency to increase the bitterness of party contests, and to excite a spirit of faction in the Nation. This must be admitted to be a serious drawback from the advantages of Parliamentary Government; and it is an evil which springs so directly from the same sources as the advantages of the system, as hardly to admit of being separated from them.

In the above remarks, I have adverted to the exercise of patronage only so far as it relates to subordinate offices in the public service; I have already* endeavoured to show that the manner in which the distribution of the highest is provided for, under the system of Parliamentary Government, possesses great advantages. But it would be a mistake to suppose that its rules upon this subject do not, in some respects, lead to inconvenience. The difficulties arising from party connections, and the necessity of conferring these offices on men who belong to the same party and can act together, must generally prevent them

* See Chapter II.

from being all held, at any one time, by those most fit for them. A general change of Administration, even when most decidedly for the better on the whole, usually involves the transfer of some offices to worse hands; and the State has often lost services which could ill be spared in some department, because the person by whom it was well managed belonged to a Cabinet, of which the members, collectively, failed to satisfy Parliament and the Country. This is an inconvenience which obviously belongs to party government by its very nature; but the difficulty goes further. Even within the ranks of the same party, it has occasionally happened, that an important department cannot be entrusted to the person who, from his knowledge and experience, is the fittest to conduct it, because he does not agree in opinion, upon matters entirely unconnected with the business of that department, with those who would be his colleagues if he accepted office. Thus, the man most capable of carrying on the business of the Exchequer, or of the Admiralty, might be excluded from either of these departments, because he differed from the Prime Minister, or other Members of the Government, upon Church questions, or questions of foreign policy.

This has been regarded by some persons* as so serious an evil, that they have proposed to attempt its

* See 'Cox's British Commonwealth.'

removal by a change of the rule which makes all the Members of the Cabinet answerable for the measures adopted in every department of the Government. Instead of this, it has been suggested that each Minister should only be held responsible for his own acts; by which arrangement, it has been argued, that far greater facilities than now exist would be afforded for obtaining the services of the ablest men in every branch of the Administration, with the further advantage of relieving those who conduct the great departments of the State from being embarrassed by the necessity of obtaining the assent to their measures of colleagues who must be less perfectly acquainted than themselves with the matters to which they relate. It is urged, that the affairs of this country are now so complicated and diversified, that it would be difficult to find even two men entertaining the same views upon them in all points, and that it is absurd to suppose that such an agreement is possible among the larger number of persons composing a Cabinet. Besides its increasing the difficulty of filling the high offices of the Government in the best manner, the practice of making all the Members of the Cabinet jointly responsible for each other's acts, must therefore, it is said, have the effect of compelling them to profess a concurrence of opinion with each other which cannot really exist, and must at the same time expose each Minister to be thwarted, in

conducting his own department, by the conflicting views of his colleagues.

No doubt this is a plausible objection to the system of Parliamentary Government, and one which is by no means entirely without foundation. Under this system, as it now exists amongst us, it is true that able men, who might each manage his own department under an absolute Sovereign, cannot always combine to carry on together a Government, for all the acts of which they must be jointly responsible to Parliament; and that, when they do so, they must be prepared to make considerable concessions of their individual opinions to those of their colleagues, without avowing the difference in public. But the inconvenience arising from this cause is not found in practice to be so serious as might have been anticipated. A general concurrence of opinion among the Members of a Cabinet, as to the main objects to which the measures of the Government are to be directed, usually leads them to agree on the means by which these ends are to be pursued, so far as is necessary to enable them to act together. And, so long as no insurmountable differences arise on questions of importance to the welfare of the Nation, all those who have the honour of serving the Crown feel it to be their duty to waive some of their individual opinions, for the sake of ren-

dering it possible for the Government to be carried on.

Nor ought the common responsibility of the whole Cabinet, for the measures taken by the several Ministers in their own departments, to interfere injuriously with the vigour and despatch with which these departments are administered. It is only so far as regards the general line of policy pursued in each department, and as to important measures, that every Minister is to be considered liable to blame for what has been wrongly done by another. The amount of business to be transacted in the public offices of this Country is so great, that it is impossible its details should be submitted to the Cabinet; and it is clear that the Members of the Cabinet cannot be regarded as really answerable for measures taken without their concurrence, though it is very properly held that they are bound to support what has been done by a colleague, unless, on becoming aware of it, they have marked their disapproval by withdrawing from the Government. Among honourable men this can lead to no difficulty, since a Minister entitled to that character would never think of taking, without the knowledge of his colleagues, steps which he thinks they would disapprove; while they, on the other hand, feel that, in considering any question brought before them, much deference is due to the opinion of the

Head of the Government, and to that of the Chief of the department to which it relates.

It is right, or rather it is absolutely necessary, that all the Members of a Ministry should be guided by this feeling, because, unless the measures adopted in any of the principal branches of the public service are allowed to take their main direction and colour from a single mind, they must necessarily become marked with that character of febleness and uncertainty always attaching to any important course of action, the successive steps of which are decided upon by several persons entertaining views not perfectly identical. So long therefore as there is no such difference upon great questions of policy, as to make it necessary that the Members of a Cabinet should cease to act together, they best discharge their public duty by generally acquiescing in what may be recommended by each Minister in his own department, after he has fully heard the opinions of his colleagues. Every Minister presiding over a great department, ought to derive much assistance from the advice of his colleagues, and his own views must often be modified by theirs; and yet it ought seldom to happen, that the difficulty of obtaining their assent should prevent him from following the final dictates of his own judgment, when he has a decided opinion on any important question he may bring before the Cabinet.

Injury to the public service is most apt to arise from the common responsibility of the Members of the Cabinet, when its Chief, or the Minister entrusted with any department, throws himself too much on the assistance of others, and does not recommend with sufficient decision what measures should be taken in pursuance of the policy he is charged with directing. The deliberations of a Cabinet seldom lead to a satisfactory result, when any question of difficulty is brought under its consideration by a Minister who is not prepared to lay before his colleagues some distinct opinion of his own. The true cause of questions being submitted to the Cabinet in this unsatisfactory manner, is sometimes to be found in the fact, that a difference of opinion on some great principle, or on some vital point of policy, really exists among the Members of an Administration, though it is concealed for a time by a reluctance on both sides to come to a clear understanding on the subject. In such cases both parties are generally wrong in seeking to avoid, or to defer, a separation which ought, for the public good, to take place at once. Of two lines of policy, it often happens that either might succeed if steadily pursued; but failure is certain, when the Members of an Administration, knowing that they could not agree, shrink from coming to a clear decision to adopt either, and are content to determine separately each step that has

to be taken, so long as it is possible to stave off a rupture by abstaining from any decided measure on the one side or on the other.

Upon the whole, I do not believe the inconvenience that results from holding all the Members of an Administration jointly answerable for its acts, to be so serious as is sometimes supposed; but were it greater than it really is, the existing practice could not be altered without altering the whole character of our Government. Party connection must cease to be the mainspring of its movements, if every Member of the Administration could no longer depend upon the support of his colleagues, and if they did not all continue to act in strict union. But further; those who have proposed that each Minister should be held responsible only for his own acts, seem to forget that the various departments of the Administration are but parts of a single machine, all the operations of which are directed to one common end, and that the various branches of the Government have a close connection and mutual dependence on each other. Questions of foreign policy, for instance, have constantly to be considered with reference to those affecting our domestic and colonial interests; and in the administration of the Army and Navy, the nature of the demands upon these services, which are to be anticipated from the state of affairs both at home and

abroad, as well as the extent to which it is proper to draw upon the resources of the Nation, must be taken into account in coming to every important decision. Instead of loosening the bonds that unite the different branches of the Government, it would rather be desirable to draw them tighter. The fault of being too departmental has been justly attributed to some Administrations, of which the Chiefs have not held the reins with firmness, and have failed to exercise the authority which properly belongs to their office, in order to secure that harmonious co-operation among the different departments on which the efficiency of the Government so much depends. Perhaps it would be for the advantage of the public service, if the hands of the Prime Minister were strengthened, and if a larger measure of authority were entrusted to him, in order to render this less likely to recur in future.

To return, however, to the point more immediately under consideration, I would remark, that there is no form of Government in which evil influences of some kind are not brought to bear upon the choice of those who are to serve the State, either in high or in subordinate offices. These influences are different in each different kind of Government; and while I admit their existence and their injurious effects under our own, I believe that no other can be shown to have suffered less from them in some of their many various shapes.

I have stated in the last Chapter, that one of the merits of this kind of government is, its tendency to make those contests for power which are inevitable amongst men, take the form of debates upon questions of policy, and upon the measures affecting the interest of the Nation which are brought before Parliament. These debates are thus rendered a valuable instrument for enlightening the public mind; but with this advantage is unfortunately united the great evil, that the same circumstance leads too often to questions deeply affecting the welfare of the People being decided, not on their merits, but according to their bearing on the interests of political parties. Measures are apt to be supported, or opposed, not because they are good or bad in themselves, but because they have been brought forward by this or that party; and nothing is more common than for a popular cry to be got up in favour of some mischievous scheme, or against some useful proposal, merely for the purpose of overturning or giving strength to a Ministry. Many examples are to be found in our history, of bad measures having been carried, and of good ones having been rejected or delayed, owing to this cause.

So also there are drawbacks from the advantages which I have stated in the last Chapter, to arise from the practice of discussing questions of foreign policy

in Parliament. The debates upon such subjects, instead of serving, as they ought, to enlighten the Nation with respect to its duties and its true interests in its relations with foreign countries, have sometimes become the means of encouraging the most pernicious errors. Opponents of the Government, instead of condemning its errors, have occasionally been guilty of attacking it for having done right, or for not having gone far enough in a wrong policy, and in asserting unreasonable pretensions against other Powers. Public men have not always resisted the temptation of vying with each other in courting the favour of the People, by flattering their passions and prejudices, instead of enforcing the principles of justice and a high standard of political morality.

An impartial consideration of the nature and effects of Parliamentary Government, leads to a recognition of the evils I have pointed out in this Chapter, as detracting in no small degree from its merits. At the same time, in admitting these faults, it is to be observed that, for the most part, they belong to it in common with every other form of free Government, since they arise mainly from the tendency of the People to misuse the power placed in their hands. And, granting that there is this tendency in all free Governments, we must not forget, either that power, wherever it is placed, must always be liable to abuse ;

and that flatterers, for their own purposes, will try to mislead those to whom it is entrusted; or that a long experience has proved, that the abuses prevailing in despotic Governments have been far greater, and far more injurious to the welfare of the People, than those to which political liberty gives rise under a well-regulated Constitution. If we compare what has been the condition of the People under free and under arbitrary Governments, in all ages of the world, we can have no hesitation, in spite of their faults, in giving a preference to the former; and among these, we may assert with confidence, that there is none in which evil has been found to be mixed up with good in a smaller proportion than in our own system of Parliamentary Government.

CHAPTER IV.

REASONS OF THE SUCCESS OF PARLIAMENTARY
GOVERNMENT.

I HAVE remarked in the first Chapter that our own Country, since the Revolution of 1688, affords the only example which is to be found, of a Parliamentary Government carried on with success for any considerable number of years. In considering what peculiar circumstances there may be to account for the success of this kind of Government in this one instance only, our attention cannot fail to be immediately arrested by the fact, that the British Parliament differs widely in its character from the Legislatures which have been elsewhere constituted for the purpose of introducing a similar system of government.

The House of Lords has always been recognized as a body peculiar to this country, and one which it is impossible to imitate by creating a Peerage,

where such an institution has not grown up, so as to derive from long prescription the authority which nothing else could impart to it. But the difference between the British Parliament and the Legislatures which have been established on the same general model in other countries, is by no means exclusively, nor perhaps even principally, due to the peculiar character of the Upper House. The House of Commons is also very unlike all the other Representative Bodies of which I have ever seen a description. It is distinguished from them mainly by the variety of the elements which enter into its composition, and by its having among its Members some returned by constituencies of a highly democratic character, with many others who owe their Seats to various kinds of influence, rather than to the free choice of large bodies of electors. Before the passing of the Reform Act, Members of the last description were so numerous, as to constitute a large majority of the whole House, and they still form no small proportion of it; since it was neither the design nor the effect of that measure to accomplish such a total change in the character of the House of Commons, as would have resulted from an attempt to make it conform to the notion commonly entertained of a perfect Representation of the People.

The anomalies and irregularities of our Represen-

tative system are often, but I believe very incorrectly, regarded as mere abuses, the entire removal of which is indispensable for the purification of the British Constitution. Without denying the reality of the abuses which arose from the manner in which many Seats were obtained in the unreformed House of Commons, or even that these abuses still exist to a considerable extent, it seems to me that the evil has been by no means unmixed with good, and that reasons are not wanting for regarding the irregularities of our Representation as having constituted so important a part of the machine of our Government, that the purposes they have answered could not have been left unprovided for without putting a stop to its working. It is certain, at all events, that, from a much earlier date than the commencement of Parliamentary Government in this country, these irregularities have existed; and whether it be thought that our Constitution would have been better or worse without them, there can be no doubt that it would have been very different.

Hence it can only be a matter of speculation, on which we have no experience to guide our judgment, how our system of government would have worked, with what is called a perfectly pure system of Representation. But in questions of government, the speculations of even the most enlightened reasoners

are little to be trusted. We know that Constitutions drawn up on speculative principles, have almost invariably failed in practice ; consequently, nothing but experience can be considered to afford safe means of judging how any system of government will be found to work. I therefore hold, that the mere fact, that the history of the world affords, as yet, no example of the permanent success of Parliamentary Government with a Legislature formed on the strict principle of popular Representation, would alone be sufficient to create serious doubts whether it could be carried on under such conditions. But it is further to be observed, that we cannot examine with care the character and composition of the House of Commons, and the manner in which they have affected its conduct, without finding strong reasons for believing that the success with which it has been able to take so active a part in the government of the Country, and its peculiar excellencies, are to be attributed, quite as much as some of its faults, to what are regarded as defects and departures from principle in our Representative system.

In the first place, it is to be remarked, that it is chiefly by means of these defects that the Ministers of the Crown have been enabled to obtain the authority they have exercised in the House of Commons. Their possession of that authority is what gives its

peculiar character to Parliamentary, as compared to other forms of Representative Government, and it is also what has enabled the House of Commons to become distinguished from other popular assemblies by the steadiness with which it generally acts, and by its seldom allowing itself to be led into rash and inconsistent decisions. At some periods the power of the Crown in Parliament has doubtless been excessive, so as occasionally even to threaten to deprive the Nation of the real enjoyment of political liberty ; but it is not the less certain that it is of the very essence of Parliamentary Government, that the servants of the Crown should possess some considerable power within the walls of the House of Commons, and that hitherto they have obtained this power through the irregularities of its composition. Had all its Members been returned by such constituencies as Westminster or Yorkshire, it must be plain to the most careless observer, that the working of the Government as it has hitherto been carried on would have been impracticable.

A comparison of the House of Commons with other Representative Bodies elected under a more popular, and what is usually regarded as a purer system, leads further to the conclusion, that the manner in which it has been chosen has been favourable to its character as a deliberative Assembly. Among such Bodies, that

which may be regarded as coming next to it in importance, is the House of Representatives in the United States. That House exercises authority over a nation which stands in the very first rank among the nations of the world; it is chosen by a population which, taken altogether, cannot be regarded as inferior to our own in education and intelligence; indeed I fear that in these qualifications for the exercise of political power, the inhabitants of the British Empire are decidedly inferior to those of the Eastern States of the American Union, and are scarcely equal to the average of the whole Republic. If therefore the systems of election in the two countries were equally well calculated to secure the return of efficient legislative bodies, the House of Representatives in the United States ought to show no inferiority to the House of Commons; whereas the fact of its great inferiority is undoubted. So impartial and acute an observer as M. de Tocqueville* describes its deficiencies in the strongest terms, and his testimony is confirmed by that of almost every other traveller. Still more decisive evidence to the same effect may be drawn from comparing the reports of the proceedings of the House of Representatives at Washington with those of the House of Commons. No one can have been in the habit of doing so, without being struck

* 'Démocratie en Amérique,' vol. i. p. 241. (13th Edition.)

with the far higher tone, both of intellectual power and of moral feeling, displayed in the debates of the latter. In the decorum and dignity with which its business is habitually conducted, the House of Commons has a still greater advantage. Accordingly, the debates of the British Parliament excite much more interest throughout the civilized world, and exercise a much greater influence over opinion both at home and abroad, than those of the American Congress.

This superiority of the House of Commons is, I think, to be ascribed in a great measure to the circumstance of its Members not all owing their seats to the choice of large bodies of constituents. Had they all been thus returned, experience justifies the inference, that they would have consisted almost exclusively of men ready to adopt, and make themselves the organs of, the popular feeling of the day, whatever it may be. The men of enlightened views and independent character, but unfitted for encountering the storms of a popular election, who have hitherto been found in the House of Commons, would have been almost, if not altogether, excluded from it. But it is the mixture of men of this sort with others sympathizing more closely with the People, and expressing their passions and feelings,—the great variety, in short, of different elements entering into its composition,—which has given to the House of Commons

its very peculiar character. To this we owe, more especially, its having answered so admirably the purpose of a public instructor. If there had not existed facilities for the entrance into the House of Commons of able men holding unpopular opinions, as well as of Members expressing the conflicting views of the various classes of society, and of the many different interests which exist in the Nation, its debates would have lost much of their interest, and still more of their value, as the means of enlightening the minds of the People, and gradually dispelling prevailing errors. I must add, that an examination of our Parliamentary records will prove, that a large majority of the chief ornaments of the House of Commons, from the Revolution to the present time, have been indebted for their first entrance within its walls to the existence of those irregularities in our system of Representation which have been so much complained of. While the Reform Bill was under discussion, its opponents relied much on the argument that the rotten Boroughs had been the means of introducing into the House of Commons a large proportion of its most distinguished Members, nor was this assertion denied by the enlightened advocates of that measure. Without contesting the fact, that in this respect the then state of our Representation had been attended with advantage, they held, that it had become the source

of evils outweighing any benefit derived from it, and that a state of things had grown up which rendered a change of the system, to the extent then proposed, necessary for the welfare of the country.

There is yet another consequence of the irregularities which have always existed, and still continue to exist, in our Representative system, that has contributed to the success of Parliamentary Government. It has been remarked by Blackstone, that "in all tyrannical governments, the supreme magistracy, or the right of both making and enforcing the laws, is vested in one and the same man, or in one and the same body of men; and whenever these two powers are united together, there can be no public liberty. The magistrate may enact tyrannical laws, and execute them in a tyrannical manner, since he is possessed, in his quality of dispenser of justice, with all the power he, as legislator, thinks proper to give himself."* The House of Commons, under the system of Parliamentary Government, unites with its legislative authority a complete control over the Executive Government, through the Ministers of the Crown, who hold their offices only while they retain its confidence. There would thus seem to be some danger that our Constitution might produce that concentration of power in the same hands, which Blackstone, in the

* Blackstone's Commentaries, Book I. chap. ii.

foregoing passage, has justly described as constituting a tyranny. We have however escaped this danger, and may congratulate ourselves upon enjoying a larger measure of public liberty, (meaning by that phrase a state of things in which all men enjoy security for their persons and property, together with an absence of any undue restrictions on the freedom of individual thought and action,) than any other nation on the earth.

For this great happiness, I believe that we are indebted to the peculiar character of our system of Representation, which has admitted the democratic element into the House of Commons without allowing it to become predominant. The powers already enjoyed by that House are so large, that, if it were to abuse them, and to be supported in doing so by the Nation, it might easily engross all those which properly belong to the other constituted authorities of the State, and thus establish a complete tyranny. That this should not have happened, notwithstanding the general tendency to encroachment which belongs to all rulers and ruling bodies, is, I think, to be accounted for only by the circumstance that our system of Representation has always given an ascendancy in the House of Commons to the upper classes of society, who have felt that they could not hope to retain the great power thus placed in their hands,

unless they exercised it in a spirit of moderation and of respect for the rights of others. If the House of Commons had been so constituted as to render it the mere organ of the popular will, this motive to moderation in the exercise of its powers would have been wanting, and these powers would at the same time have been enormously increased, because there would have existed no appeal against any abuse of power by the House of Commons, to the opinion of a larger public than that by which it is elected. Various examples might be quoted from our history, showing how useful a check has been exercised on the House of Commons by opinion out of doors. I will, however, only refer to the famous case of Wilkes, and to the questions which have more than once arisen between the House and the other authorities of the State, as to the extent of its privileges.

This check would be almost entirely destroyed, if the House of Commons were chosen in such a manner as to make it directly reflect the wishes, and express the feelings and passions of the numerical majority of the population. To estimate the importance of such a change, we must bear in mind, that it is the nature of an unbalanced democracy, at least as much as of a despotism, to weigh oppressively upon all who venture to oppose the will of the governing power. M. de Tocqueville has borne testimony to the

manner in which this has been felt in the United States: he says:* “Ce que je reproche le plus au gouvernement démocratique, tel qu'on l'a organisé aux États Unis, ce n'est pas, comme beaucoup de gens le prétendent en Europe, sa faiblesse, mais au contraire sa force irrésistible. Et ce qui me répugne le plus en Amérique, ce n'est pas l'extrême liberté qui y règne, c'est le peu de garantie qu'on y trouve contre la tyrannie.” Again he says, “Je ne connais pas de pays où il règne en général moins d'indépendance d'esprit et de véritable liberté de discussion qu'en Amérique.”

Such is the evidence of so unexceptionable a witness as M. de Tocqueville, as to the effect in the United States of a purely democratic government. Yet, however democratic may be the constitution of that Republic, it is one which provides checks against the abuse of power by the governing majority, which would be entirely wanting in this country, if the House of Commons were a purely democratic body. In the American Union, the division of authority between the Central and the State Governments, and the independence of the President in the exercise of his executive functions, together with the constitution of the Supreme Court, effectually prevent the concentration of all power in the hands of one man or of one set

* *Démocratie en Amérique*, vol. i. p. 305.

of men. But in this country, the machinery of the Government places in the hands of the House of Commons such means of overruling all the other authorities of the State, that, if it were elected under a purely democratic system, it could hardly fail, in times of popular excitement, to become an irresistible engine for carrying into effect any measure, however violent, which the passions of the People might dictate. Unrestrained by any of the checks upon abuse created in the United States by the division of authority, such a House of Commons would find, in the extreme use of its acknowledged powers, easy means of compelling the Crown, the House of Lords, and even the Courts of Law, to become the mere instruments of its will.

Among the circumstances which have produced a marked effect upon the character of the House of Commons, that of its being elected for a period of seven years, unless sooner dissolved by the authority of the Crown, must not be lost sight of. Although it was formerly, and is still to a certain extent, a popular doctrine, that the duration of Parliaments ought to be abridged, and that the Septennial Act was an unfortunate and improper measure, I see no ground whatever for this opinion. On the contrary, I concur in the opinion entertained by some of the highest authorities of our own times, and which is said also to

have been held by Speaker Onslow,* that the beginning of a great improvement in the character, and a corresponding increase in the influence, of the House of Commons, may be dated from the passing of the Septennial Act. From not being too frequently renewed, the Members of that House have become, as a body, more experienced in the transaction of business, and there has been greater consistency and steadiness in its conduct than when the duration of Parliaments was limited to three years. Above all, the extension of the term for which the House has been elected, has been favourable to its maintaining its proper character, as a deliberative assembly, instead of becoming an assembly of delegates, not exercising their own judgment on the various questions submitted to them, but merely expressing the wishes of the several bodies of constituents by whom they are returned. The extreme importance of not lowering the Members of the House of Commons into mere delegates, has been admirably explained by Burke, in his well-known speech at Bristol; and very little observation of the proceedings of Parliament and of popular elections is necessary, in order to perceive how difficult it would be for Members of the House of Commons to preserve the power of acting at all on

* See Lord John Russell's *Essay on the English Government*, p. 214.

their own independent judgment, if they were compelled too frequently to submit to the ordeal of a new election. Even as it is, I fear that Members are far too much disposed to vote against their own opinions and their own knowledge of what is right, in deference to popular clamour excited by ignorance or passion, and that their tendency to do so is increasing. It is an alarming symptom of deterioration, in the character of public men and of the House of Commons, that it has more than once happened, of late years, that motions have been carried, so decidedly against the opinion of a large proportion of those who have voted for them, that they have not scrupled in private to express their regret at finding themselves in a majority.

Before I quit the subject of the character of the House of Commons, I must notice one objection that is frequently made, to its being composed in such a manner as to include men of such various opinions, and to place a preponderating influence in the hands of those who do not represent the wishes of the numerical majority of the Nation. It is said that, owing to this, great delay arises in effecting the various reforms that are required, and in carrying all useful legislation; and it is a common complaint, that there is so much talking and so little done in Parliament. No doubt this is, to some extent, an evil; but I

believe it to be one much exaggerated, and for which there is ample compensation in advantages which would be lost if attempts were made, unless with extreme caution, to render the action of Parliament more prompt and easy. The facilities which the existing constitution of Parliament affords, for resistance to changes in our legislation, by those who conceive their interests to be threatened by them, are not so great as ever to prevent the ultimate passing of measures called for by the voice of the Nation. At present the fault of the House of Commons is, not that the power it gives to popular opinion, or clamour (for they are not always easily distinguished), is too small, but rather that it is perhaps too great. From this cause it sometimes happens that measures, for which there is a momentary cry, are rashly granted, contrary to the true interest of the Nation and the opinion of the majority of enlightened men; while various other measures, which such men would generally concur in recommending as wise, are not even proposed, from a fear of offending the prejudices of the day.

. Certainly it cannot be said, with any colour of reason, that public opinion is too weak, since, when it is finally and clearly formed upon any question, it invariably triumphs. The difficulty which it has to surmount in doing so, is not more than is necessary

in order to secure the due consideration of objections to measures for which there is a popular cry, and to afford means for testing by discussion the soundness or fallacy of conflicting arguments. A few years, though much in the life of an individual, are little in the life of a Nation; and some delay in passing useful measures may well be submitted to, as cheaply purchasing the advantages we obtain in return for it. Among these advantages, the intellectual and moral training which the Nation derives from the discussion of changes in the law which encounter serious resistance, is not perhaps one of the smallest; but what is most important is, that such changes can seldom be carried until after they have received such ample deliberation, and till public opinion is so completely settled with regard to them, that, when once passed, they are almost invariably permanent, and more completely effective than they could become if adopted in a different manner. If we look back at the history of our legislation, for many years past, we shall find that it has been steadily progressive; and that, although some of the greatest improvements in our laws have not been achieved without years of arduous struggle, yet, when once accomplished, they have been secure against all attempts to repeal them, and have commanded the complete obedience of the Nation.

Experience proves that these advantages are not equally enjoyed in countries the institutions of which present greater facilities for prompt legislation. Good laws, passed prematurely, before the minds and habits of the People are prepared for them, are seldom properly obeyed; nor would it be difficult to point out cases in which measures, wise in themselves, adopted by despotic rulers more enlightened than their subjects, have, from this cause, failed to produce the benefit which might have been reasonably expected from them. So also in those popular governments where no obstacle exists to the immediate accomplishment of every change in the law which is demanded by the majority of the People, it is found that that majority is disposed to act under the influence of sudden impulse rather than of deliberate conviction, and that the instability of the law too often detracts from its usefulness. M. de Tocqueville informs us that this is strikingly the case in the United States, where he describes it as common for laws to be made and again repealed with a lightness amounting to caprice, and leading to serious inconvenience.*

* He quotes the opinions expressed by Hamilton, Madison, and Jefferson, as to the magnitude of the evil arising from the instability of legislation in the United States. The first of these distinguished men speaks of it as "the greatest blemish in the character and genius of our government;" and Jefferson thought the inconvenience so great as to require the adoption of very severe restrictions on the power of the Legislature.—*Démocratie en Amérique*, vol. i. p. 243.

Though the progress of legislative improvement in this country may seem too slow to men of eager and impatient tempers, if we consider fairly what has been done since the meeting of the first reformed Parliament, we shall find no just grounds for complaining of the rate of our advance, when we remember how safely and surely that progress has been made.

At the same time, I am far from denying that there is a constant tendency in Parliament, or rather in the House of Commons, unduly to retard its proper work, by undertaking business for which it is unfit, and by indulging in discussions of unnecessary length. The inconvenience of excessively protracted debates has already attracted public attention, which of itself will probably go far to diminish the evil. Members will learn moderation in the exercise of their right of speaking and of bringing forward motions, when they find that by failing in this discretion they incur the disapproval of the House and of the Country. The tendency of the House of Commons to deprive itself of sufficient time for the due discharge of its most important functions, by undertaking unnecessary business, is more to be feared, because it is encouraged both by the public and by persons of high influence. Injudicious changes in this direction are usually received with general applause.

Striking examples of this may be found in the

recent Acts of Parliament, by which various permanent charges have been removed from the Consolidated Fund, and by which it is required that the gross instead of the net revenue should in future be paid into the Exchequer, leaving the expense of collecting the revenue to be voted by the House of Commons in Committee of Supply, instead of being paid, as heretofore, by the authority of the Crown. These measures, and especially the abolition of the power of the Crown to provide for the cost of collecting the revenue by deductions from the gross receipts, have been exceedingly applauded; yet it may be safely asserted, that their effect will be to encumber the House of Commons with a considerable amount of additional business, with which there was not the slightest occasion that it should be burdened, and which it is impossible that it can perform properly. There was no reason for the House thus to increase the demands upon its time and attention, because it already possessed a complete control over the expense incurred by the Government in the collection of the revenue, and in the management of services provided for by permanent charges on the Consolidated Fund. Full accounts of this expenditure were habitually laid before Parliament, and if more ample information upon particular points was asked for, it was never withheld. Members of the House of Commons could therefore

call its attention, when they thought fit, to any objectionable expenses, and no job was safer from detection and reproof, because it was paid for without the previous sanction of Parliament. Perhaps, indeed, the worst jobs of recent years have been those perpetrated by means of votes in Committee of Supply.

The House also nominally assumed a duty which it was utterly impossible for it really to perform. To regulate the various establishments for the collection of the revenue, in such a manner, as at once to avoid unnecessary expense, and to ensure the efficient performance of this important branch of the public service, is a task requiring great experience, and great knowledge of minute details. When an estimate is presented to the House of Commons, to provide for the charge of a certain number of officers of different ranks, and receiving different rates of pay, in the various Revenue departments, the Members who discuss the estimate in Committee of Supply have no means whatever of forming a sound judgment on the details of the establishment submitted for their approval. To those who know how business is done in a Committee of Supply, it can hardly be necessary to point out how impossible it is that such details should there be usefully discussed. All that the House of Commons can really do is, to compare the revenue with the amount spent in collecting it, and if the cost of collection

should appear to exceed a reasonable percentage on the income realized, to call upon the Government to take care that it is reduced, imposing upon the servants of the Crown the responsibility which properly belongs to them of enforcing strict economy. Without any change in the ancient practice of paying only the net revenue into the Exchequer, the House of Commons had many years ago succeeded in putting an end to the old abuses of making improper payments out of the gross revenue, and in providing for the collection of the revenue at a singularly moderate cost. In determining to go further, and to take upon itself the duty of voting annually the charges for the collection of the revenue, the House of Commons has, in my opinion, altogether mistaken its proper function in this matter. That function is, to exercise a watchful, but general, control over the Executive Government, not to attempt to scrutinize details, upon which it may waste precious hours required for far more important purposes.

In like manner, the removal from the Consolidated Fund of many charges formerly borne on it, for the purpose of voting them in the estimates, involves a worse than useless addition to the labours of the House, and to its opportunities for indulging in unnecessary discussion. With scarcely an exception, these charges are to provide for services of a perma-

ment character, and it is a part of true economy that the means allotted for such services should not vary from year to year, but should continue unaltered so long as the circumstances remain the same. When there was any change of circumstances calling for a change in these appropriations, their being provided for from the Consolidated Fund opposed no obstacle to its being effected; the only effect of their being so charged was to avoid giving opportunities for debates that lead to nothing.

Even in the discussion of those estimates which must be voted annually, in consequence of their varying amount, and the nature of the services for which they are intended to provide, few experienced Members of the House of Commons would deny that the sort of nibbling at details which is sometimes practised, is a mere waste of time. In the discussion of the miscellaneous estimates during the late Session, this waste of time was carried further than usual, and the House showed an extraordinary misconception of its proper functions, by entering into details with which it is impossible for any large assembly to deal with success, and which ought to be left to the Executive Government. Complaints were even made that the forms of the House did not afford an opportunity of pushing still further this ill-advised scrutiny of the petty items of expenditure; and a Select Committee

has advised that these forms should be altered. The natural consequence of this error was, that the most important legislative business had afterwards to be neglected or very imperfectly done. Even the clauses of the Divorce Bill could only be considered in a most unsatisfactory manner, in the month of August, by a House jaded with fatigue and deprived of the services of a large proportion of its Members.

There is, also, no greater error, than to suppose that the mere fact of certain charges being annually voted by the House of Commons, is the slightest security for economy in providing for them. Extravagant charges are at least as apt to escape detection in estimates of proposed expenditure, as in accounts laid before Parliament of that already incurred, while the Government is sheltered from responsibility by votes in supply. If the publicity necessary to prevent jobs is maintained, and corrupt extravagance is thus guarded against, the Ministers of the Crown have every motive, both of duty and of interest, to induce them to enforce economy in the public service. They usually do this far more effectually, and above all far more steadily, than the House of Commons, which, like all popular bodies, is apt to be led sometimes into extravagance, sometimes into injudicious parsimony.

A curious example of the changes of temper to

which the House of Commons is liable on questions of economy, and of the inconsistencies into which it is apt to fall when it refuses to follow its accustomed leaders, is afforded by its conduct with respect to the Civil Service Bill in the late Session. The object of this Bill was to relieve the permanent civil servants of the Crown from deductions made from their salaries under an Act of Parliament, for the purpose of raising a fund for superannuations,—a relief which would be equivalent to augmenting their salaries by an amount varying from two and a half to five per cent. The second reading of this Bill was carried against the Government by a large majority, though it is not more than nine or ten years since the Ministers of that day had the greatest difficulty in resisting a proposal precisely the reverse of that now adopted, namely, to diminish all salaries by ten per cent. This proposal, for cutting down salaries generally, was supported, at the time when the economical fit was strong upon the House of Commons, by many of the very Members whose votes have now swelled the majority for augmenting them. The Superannuation Act, the chief clauses of which this Bill was intended to repeal, was itself passed, in deference to the feeling of the House, in one of its fits of economy. The defeat of the Government upon this question also illustrates the power now exercised by means of an artificial and

organized agitation. This machinery (an invention of the last few years), skilfully worked by those interested in the measure, had led so many Members of the new Parliament to pledge themselves in favour of the Bill, as to ensure its success.

I have dwelt at greater length than I should otherwise have done on the error I conceive the House of Commons to have committed in undertaking duties that do not properly belong to it, because there appears to be a strong disposition on the part of the public to encourage the House in a mistake which, if persisted in, may detract materially from its usefulness. If, however, either from this or from any other cause, the proper business of Parliament should suffer such delay as to create serious inconvenience, we may trust that the practical good sense of the Nation will lead to the adoption of some mode of correcting the evil. Hitherto (as I have said) I think we have had no real reason to complain of the slowness with which the work of legislative improvement has been carried on.

CHAPTER V.

EFFECTS OF PARLIAMENTARY REFORM.

HAVING, in the preceding Chapters, considered the nature of our system of Parliamentary Government, its merits and its faults, I propose now to inquire in what manner the working of this system has been affected by the Reform of the Representation which was carried in 1832, and to offer some remarks on the character and consequences of that celebrated measure.

The three Acts for the Amendment of the Representation of the People in Parliament, in England, Scotland, and Ireland, must be regarded as forming together a single measure, having for its object the transfer of a large amount of political power to the People, from the hands of a comparatively small number of persons, who were previously enabled to command a majority of the seats in the House of

Commons. So great a change in the distribution of political power has, probably, seldom or never been accomplished in any country without violence or convulsion; it amounted, in fact, (as was justly said at the time,) to a revolution, though a peaceful and, I believe, a most beneficial revolution. Still, large as it was, the measure did not profess to sweep away all the anomalies and irregularities of our system of Representation, in order to create a new one more in accordance with what is considered by some persons to be the true theory of Representation. On the contrary, the design was to correct evils which had been practically felt, but to introduce no further changes than were indispensable for this purpose, in a Constitution of which, in spite of some imperfections, the general excellence was recognized. Experience had proved that, in the House of Commons as then constituted, public opinion was so weak, and influence of another kind so powerful, that the conduct, both of Parliament and of the Executive Government, was habitually biassed in a manner detrimental to the general welfare of the Nation. Clear evidence of this was to be found in the manner in which the Country had for many years been governed, and especially in the heavy burden of taxation imposed upon the people. There could be little doubt that the public expenditure had been habitually maintained upon a scale beyond what

was required by the real interest of the Nation, with the view of securing the support of those who had a commanding influence in the election of the House of Commons. But while this was an evil urgently requiring to be remedied, it was believed that it was neither necessary for that purpose, nor safe, to make the total change in the character of the House of Commons, which would ensue were all its Members to be returned by large popular Constituencies.

The Reform Acts for the three divisions of the United Kingdom, which received the sanction of Parliament in 1832, were framed in conformity with these views. By the preservation of many of the smaller Boroughs, and by regulating the County Representation in a manner which left much influence to the great landed proprietors, the former mixture of classes and interests in the House of Commons was preserved; and, though the strength of the democratic element in its composition was greatly augmented, it was neither the intention nor the effect of the measure to render that element all-powerful. What was aimed at, and accomplished more successfully than could well have been anticipated, was, to redress the balance of the Constitution, not to make it incline as much on one side as it had previously done on the other.

The wisdom with which this great change in the Constitution was designed, is shown by its results.

It has now been twenty-five years in operation, and it is impossible to compare the spirit of our legislation and government during that period with that of former times, without perceiving how much it has been altered for the better. No doubt, during this period, many mistakes have been made, both by Parliament and by the different Administrations which, under its control, have exercised the powers of the Executive Government. But it may be safely asserted, that these mistakes have been only such as are to be accounted for by errors of judgment in the Nation itself, and may be looked for under the best of human institutions. The measures of Parliament and of the Government have been directed by a sincere desire to promote the general welfare, and upon the whole, it must be admitted, with success, if we consider the number of important reforms in every branch of Administration which have been effected in a comparatively short time. Lastly, this great stimulus has been given to improvement with no social disturbance, beyond the temporary agitation of the struggle by which the Reform Bill was carried, and without giving that shake to the power and authority of the Government, either at home or abroad, which is so often the consequence of political changes, and is the source, when it occurs, of so much danger.

But though the measure of Parliamentary Reform

which was passed in 1832 has been thus successful, and is, I think, conclusively proved by its results to have been, upon the whole, a wise and good one, it was by no means perfect. It had, on the contrary, serious faults, which were so easily to be discerned, even while it was under discussion, that it is impossible to suppose they could have escaped the observation of its authors, though it was not in their power to avoid them. The strength of the opposition to be overcome before the Bills could pass, and the excitement under the influence of which they were carried, were such, as not only to account for the errors to be found in the plan, but to make it marvellous that they were not far greater. *

On considering the whole scheme of the Parliamentary Reform of 1832, with the light thrown upon it by the experience we have had of the working of our amended system of Representation during five-and-twenty years, the following appear to be the chief defects of the measure. First: I am inclined to think that its greatest fault was, that it failed to provide adequately against the danger that the removal of abuses might incidentally diminish too much the power of the Government in Parliament. It has often been said, and with truth, that, under our present Constitution, the worst Administration we can have is a weak one. A weak Ministry has not the power

of acting rightly; it must bring forward in Parliament, not the measures it knows to be best for the interests of the Country, but those it can hope to carry; it cannot venture to conduct the Executive Government according to the dictates of its own judgment; and in the exercise of the authority and patronage of the Crown, it is compelled to yield to every popular cry and to the unreasonable claims of its adherents; it is under a constant temptation unduly to court popularity, and to exaggerate the faults of party Government, by striving, in all its measures, to promote the interests of its Party rather than those of the Nation. Such a Government has a tendency to become more than usually corrupt, because an evenly-measured contest of Parties affords to unscrupulous men, desirous of using their votes or political interest for their own selfish advantage,*

* The following passage in Lord Derby's Speech in the House of Lords, on the 8th of February, 1855, gives a striking description of the position of a Minister not enjoying adequate Parliamentary support:—

“ My Lords, I can conceive no object of higher or nobler ambition, none more worthy of the anxiety of a true patriot and lover of his country, than to stand in the high and honourable position of the Chief Minister of the Crown and Leader of the councils of this great Empire, assisted and supported by colleagues combined with him by unity of sentiment and mutual and personal respect, and with the knowledge that this and the other House of Parliament would give to such a Minister the assurance that, except on most extraordinary and unusual occasions, he would be enabled, with life

peculiar facilities for driving hard bargains with the Administration.

Nor is this all; our whole system of Parliamentary Government rests, as I have already remarked, upon the Ministers of the Crown possessing such authority

and energy, to carry out his plans and to mature and accomplish his objects, and, practically as well as nominally, control and govern the legislation and internal economy of this great Country. On the other hand, to hold that highly responsible situation dependent for support from day to day upon precarious and uncertain majorities, compelled to cut down this measure, and to pare off that,—to consider with regard to each measure, not what was for the real welfare of the country, but what would conciliate some half-dozen men here, or obviate the objections of some half-dozen there, to regard as a great triumph of Parliamentary skill and Ministerial strength to scramble through the session of Parliament, and to boast of having met with few and insignificant defeats,—I say this is a state of things which cannot be satisfactory to any Minister, and which cannot be of advantage to the Crown, or to the People of this Country. But, my Lords, to enter on the duties of office, not with a precarious majority, but with a sure minority of the other House of Parliament; to be aware that from day to day you were liable to defeats at any moment, by the combination of parties amounting to a sure majority, and only waiting for the moment when it would be most convenient to introduce motions for the attainment of such an end; to be a Minister on sufferance; to hold such a position without any security for enforcing your own views; with the fear of exposing your own friends and the Country, your friends to perpetual mortification, and the Country to constant disappointment—to undertake the responsibilities and the duties of office under such circumstances and in such a state of things, would be such an intolerable and galling servitude as no man of honour or character would voluntarily expose himself to, and such as no man would willingly submit to, except from motives of the purest patriotism and as proof of the absolute necessity of such self-sacrifice."

in Parliament as to enable them generally to direct its proceedings, and especially those of the House of Commons. This foundation would fail, and the system itself must fall into ruin, if it should become impossible, for any considerable time, that an Administration of proper strength should be formed. This might happen if the House of Commons, from the absence of any strong party feeling or bond of union in the supporters of the Government, should show a disposition on light occasions to reject the advice of the Servants of the Crown, although the persons holding office had, upon the whole, more of its confidence than any other Ministers would be able to command. Should such a state of things arise, with parties in the country so divided as to afford no prospect of a House of a different character being obtained by a dissolution of Parliament, it would be inevitable that new rules of political conduct, and a new mode of carrying on the public business, should be introduced. Hitherto it has been considered to be the duty of the Ministers of the Crown to resign, if they find themselves without adequate support in the House of Commons. Their doing so would be useless in the case supposed; and there would be no resource but to tolerate the existence of an Administration unable to guide the proceedings of Parliament.

But this would involve a complete abandonment of

the essential principle of a Parliamentary Government; even though it should continue to be held, that an Administration against which a direct vote of want of confidence had been carried must retire. What particularly distinguishes our present system of government, and constitutes, as I have endeavoured to show; one of its main advantages, is the responsibility which it imposes, both on Parliament and on the Servants of the Crown. Every Member of the House of Commons feels, or ought to feel, that it is a serious step to give a vote which may compel the existing Government to retire, without a reasonable prospect that another better able to conduct the affairs of the Country can be formed. The Ministers, on the other hand, know that they are not held to be absolved from responsibility for unwise measures, because they have been forced upon them by the House of Commons; but that, if they continue to administer the affairs of the Country when powers they think necessary have been refused, or a course they disapprove has, in spite of their advice, been adopted by the House, they are justly held answerable for the policy of which they consent to be the instruments. But if it should ever come to be regarded as not being wrong, that Ministers should retain office though they were no longer able to guide the proceedings of the House of Commons, there would cease to be in any

quarter an effective responsibility for the prudence and judgment with which the affairs of the Nation are conducted in Parliament. Ministers could not be held answerable for the conduct of a Parliament they had no power to direct, and the only responsibility left would be that of the House collectively. Experience, as I have already remarked, proves, that a responsibility shared amongst so many is really felt by none; and that a popular assembly, which will not submit to follow the guidance of some leader, is ever uncertain in its conduct and unstable in its decisions.

After the Revolution of 1688, when the House of Commons had by that event acquired great power, and had not yet been brought under the discipline of our present system, these evils were grievously felt.* They would be far more so in the present state of society, and we must expect to see the House of Commons arriving at many hasty and ill-judged decisions, and its Members giving their votes much oftener than they now do contrary to their judgment, in deference to popular clamour, if they were relieved from the apprehension of creating the difficulties that arise from a change of Government. Those who have watched the proceedings of Parliament, cannot be ignorant how many unwise votes have been prevented

* See Macaulay's *History of England*, vol. iv. p. 434.

by a dread of the resignation of Ministers, and that the most effective check on factious conduct on the part of the Opposition, is the fear entertained by its leaders of driving the Government to resign on a question upon which, if they should themselves succeed to power, they would find insuperable difficulties in acting differently from their predecessors. The House of Commons would lose its distinguishing character; it would become more like the Congress of the United States,* but without the checks by which Congress is restrained; and we should have a government at once weak, capricious, and tyrannical, if the practice should ever grow up of regarding the Ministers, who are now the Servants of the Crown, as the servants of the House of Commons, and justified in pleading the will of that House as their excuse for adopting or acquiescing in measures of which their own judgment and conscience disapproved.

* In the *Life of Horace Greeley*, editor of the 'New York Tribune' (a book which contains much curious information as to the working of the Constitution of the United States), there is a letter, in which the following passage affords a remarkable illustration of the effects of the absence of any individual responsibility for the decisions of the House of Representatives. "It was but yesterday that a Senator said to me, that though he was utterly opposed to any reduction of mileage, yet if the House did not stop passing Retrenchment Bills for Buncombe, and then running to the Senate and begging Members to stop them there, he for one would vote to put through the next Mileage Reduction Bill that came to the Senate, just to punish Members for their hypocrisy."—*Page 298.*

The political events of the last few years afford much ground for apprehending that the Country may be exposed to these very serious evils, from its becoming impossible that any Administration should be formed having sufficient strength in the House of Commons. Before the passing of the Reform Acts, there was little danger that such a state of things could arise. The former state of the Representation, together with the large means of influence which then existed, gave so much power to the Crown, that Ministers unacceptable to the Sovereign could seldom long maintain their position; and those who enjoyed the cordial support of their Royal Master were enabled to command so large a number of votes, that they could scarcely be left in a minority, except in cases when public opinion was declared against them with overwhelming force. Nothing can more clearly prove how completely the power of the Crown was at that time predominant in the House of Commons, than the well-known fact, that the combined opposition of Pitt and Fox, with all their Parliamentary talents and personal influence, would have failed to overthrow the Addington Administration, in spite of the general opinion entertained of its incompetence, if the state of mind of George the Third had not excited such just apprehension in his Minister, that he shrank from maintaining the contest.

The political condition of the Country, when such an Administration could be supported under such circumstances by the power of the Crown, was a very bad one, but its evils seem to have arisen less from the power of the Crown having been excessive in itself, than from the fact that this power depended in a great measure on the personal influence of the Sovereign, and was derived from sources which led naturally to its abuse. The personal influence of the Sovereign might be used, not to support, but to undermine his responsible Ministers; and we know that it was habitually so employed by George the Third, whenever he was compelled for a short time to accept the services of Ministers he disliked. It was the knowledge of this fact that contributed so much, during that reign, to give undue power to those Administrations which were supposed to enjoy the royal favour, because every shabby politician (and unfortunately the class is a large one) shrank from joining an Opposition which was obnoxious to the Court, and which therefore could not hope for more than a very brief tenure of power, even if, by the strong support of public opinion, it should be enabled to attain it. The correspondence of the statesmen of the earlier part of the reign of George the Third, of which so much has now been published, presents a painful picture of the abuses and intrigues which

prevailed when Court favour had so large a share in deciding the contest for political power; and Burke has described with just severity the system under which a party grew up and acquired so much strength, under the name of the King's Friends.

The means, also, by which the Ministers of the Crown were enabled to command the votes of a large number of Members of the House of Commons, before the passing of the Reform Bill, had grown to be very injurious and onerous to the country. So large a proportion of the whole House was then returned by the influence of Borough proprietors and other powerful persons, instead of by any really popular election, that Ministers were necessarily led to depend for the maintenance of their power, less on meriting the confidence and approbation of the Nation, than on the support of those who possessed Parliamentary interest, which too commonly could only be purchased at the expense of the general good. This evil seems to have been increased, (so far at least as regards the burden upon the Nation,) instead of being diminished, by the gradual discontinuance of the practice of giving direct money bribes to the supporters of the Government in the House of Commons; because bribes given in this form, from the votes for secret service, were not really more immoral, and were far less costly, than those which were accepted in the

form of jobs, and of places created, not for the public service, but for the benefit of the holders. But apart from the means by which it was obtained, the command of a considerable number of votes in the House of Commons by the Ministers was highly useful, and its continuance would have been an advantage, as conducing to the firm and vigorous administration of affairs, if it had been preserved in such a manner as to be enjoyed by the Advisers of the Crown in virtue of their offices, irrespective either of Court favour or of those sinister influences to which they were compelled to submit in order to secure it.

A comparison of the working of the Constitution, before and after the passing of the Reform Bill, must, I think, convince us that the question asked by the Duke of Wellington while it was in progress, "How is the King's Government in future to be carried on?" deserved more consideration and a more practical answer than it received. From the combined effect of the Acts of Parliamentary Reform and of the many other reforms, especially those of an economical character, which have been carried in the last forty years, the power of the Crown has been so much diminished, that there seem to be good grounds for believing that the state of things which, in 1780, amply justified Dunning's celebrated resolution against the increase of that power, has been reversed, and

that the balance of the Constitution may now be in no slight danger of being deranged by the too great diminution of the influence in Parliament which the Servants of the Crown formerly enjoyed.

I am aware that so high an authority as Mr. Hallam has expressed an opinion, that there is no occasion for the Ministers of the Crown to possess any influence in Parliament beyond that which they would derive from a conscientious and effective discharge of their duties. He says: "There is no real cause to apprehend that a virtuous and enlightened Government would find difficulty in resting upon the reputation justly due to it, especially when we throw into the scale that species of influence which must ever subsist,—the sentiment of respect and loyalty to a Sovereign, of friendship and gratitude to a Minister, of habitual confidence in those entrusted with power, of averseness to confusion and untried change, which have in fact more extensive operation than any sordid motives, and which must almost always render them unnecessary." *

In giving this opinion, Mr. Hallam has, I fear, not made sufficient allowance for the effect of the various motives by which the Members of both Houses of Parliament are apt to be biassed in giving their votes. Discontent, ambition, the love of popularity, and even

* See Hallam's Constitutional History, vol. iii. p. 355.

of notoriety, and various personal feelings, are found in practice to exercise so much influence, and must always be expected to array so many Members of the House of Commons in Opposition, that, unless the Government is enabled by some means or other to throw a considerable weight into the scale, by virtue of its official position, it is impossible it should exercise that authority which, as the very keystone of the whole system of Parliamentary Government, it ought to possess in the decision of questions submitted to the House of Commons. Hitherto, the undue diminution of this kind of authority in the Government, since the passing of the Reform Acts, has not been so seriously felt as it is likely to be hereafter. Until lately, various circumstances, and especially the existence of Parties formed previously to the alteration in the constitution of the House of Commons, have combined to avert, or at least greatly to mitigate, the inconvenience that might have been apprehended from this source. We cannot however expect this to continue, and already there are clear indications of the approach of a different order of things, in which, from the dissolution of ancient Parties, and the great curtailment of the indirect influence of the Government, the existence of weak Administrations may become habitual. The fact, of all the most important public questions on which Parties

were formerly divided having been finally settled, has contributed to increase the difficulty of maintaining the authority of the Government in the House of Commons. While these questions were still at issue, they served as a bond of union both to the Party which supported, and to that which resisted, the measures in dispute, and helped to keep up the Party discipline upon which the strength of a Ministry, as well as that of an Opposition, greatly depends.*

The events of the last few years are obviously tending to that virtual alteration in the Constitution which would result from the loss of the authority

* There is another consequence of the settlement of these questions which deserves to be remarked. Since the various reforms which thirty years ago were so strenuously contended for by one Party, and no less strenuously opposed by another, have been successively carried, it would be difficult to draw any clear distinction between parties from their opinions on public questions, and thus the division between them is made to depend more than formerly on personal feelings and interests. This tends both to lower the tone of Parliamentary warfare, and to diminish the wholesome authority formerly exercised by the leaders of Parties. Although the accomplishment of these reforms is in itself a great advantage to the Nation, it cannot be denied that new dangers have arisen from the termination of the struggle by which they were won. While that struggle lasted, it helped to keep politics in a healthy state, as the peril of her mortal strife with Carthage is said to have preserved Rome from that flood of corruption which soon ensued after her final triumph over her formidable enemy. The consequences in this respect of the termination of our old Parliamentary contests, only add another to the many proofs to be every-

of the Administration in Parliament. There is the greater danger of this, because no change of the law is necessary to bring about such a change in the character of our Government. The principle, that the confidence of the House of Commons is necessary to a Ministry, was established by no legal enactment, but by opinion and usage, which grew up by degrees. These may be altered as gradually and insensibly as they were originally formed ; and the more easily, as there has never at any time been a uniform and unbending rule that Ministers ought to retire whenever

where found, how vain it is in human affairs to look for the quiet continuance of a state of things with which we may sit down contented. To be in a constant conflict with evil in some shape or other, is obviously the condition appointed by Providence both for men and nations, and the moment that struggles for improvement cease, corruption and decay commence. The following are M. de Tocqueville's admirable remarks on "little Parties,"—the designation he applies to those that are formed in free countries when all great questions are settled, and only minor points remain at issue :—
 " Les petits Partis sont en général sans foi politique. Comme ils ne se sentent pas élevés et contenus par de grands objets, leur caractère est empreint d'un égoïsme qui se produit ostensiblement à chacun de leurs actes. Ils s'échauffent toujours au froid ; leur langage est violent, mais leur marche est timide et incertaine. Les moyens qu'ils emploient sont misérables comme le but même qu'ils se proposent. De là vient que quand un temps de calme succède à une révolution violente, les grands hommes semblent disparaître tout-à-coup, et les âmes se renfermer en elles-mêmes. Les grands Partis bouleversent la société, les petits l'agitent ; les uns la déchirent, et les autres la dépravent ; les premiers la sauvent quelquefois en l'ébranlant, les seconds la troublent toujours sans profit."—
Démocratie en Amérique, vol. i. pp. 208-9.

they meet with a Parliamentary defeat. The strongest Governments have all occasionally experienced such defeats, under circumstances that have been regarded as making it their duty to bow to the decision of Parliament. The government of the country could hardly be carried on, and the just weight of the House of Commons at the same time maintained, if the Administration were not allowed on certain occasions thus to submit to it without retiring. But hitherto the rule has been the other way, and it is only of late that there has appeared to be a disposition to multiply exceptions in a manner which may break down the rule. As it becomes more difficult to constitute strong Governments, this disposition is likely to increase. A weak Ministry, when a popular clamour is raised in favour of measures they know to be wrong, must always be too much tempted to take shelter from responsibility in a sham resistance to them. The House of Commons and the Public, on the other hand, may also be frequently tempted to acquiesce in the continuance of a Government on these terms, as the easiest mode of carrying some object in favour of which the passions or prejudices of the People may be excited, in opposition to the sober judgment of enlightened and right-minded men.

Any diminution of Ministerial responsibility would be peculiarly dangerous on questions affecting the

pecuniary interests of individuals, since no jobs are so bad as those perpetrated by a popular assembly, through private canvass. A wholesome rule of Parliamentary law debar's the House of Commons from making any grants of money without the previous recommendation of the Crown through its responsible Servants; but unfortunately this rule may be evaded by addresses from the House to the Crown, praying that certain grants may be made, and promising to provide for them. Such addresses have been too often moved of late years; and if the House of Commons should fall into the habit of thus virtually setting aside the wise principle of our Constitution which makes the Ministers of the Crown responsible for originating all grants of money, a door will be opened to the very worst corruption.

Ministerial responsibility may also be injurióusly weakened by the multiplication of open questions; that is to say, of questions on which Members holding office are allowed to take opposite sides without resigning. It is probably impossible altogether to dispense with open questions, but they must be regarded as an evil, and the public ought to be jealous of their multiplication. Every addition to the number of such questions tends to increase the risk of having divided Administrations, and also to relieve independent Members of Parliament who aspire to office

from a wholesome responsibility. The fear of embarrassing their future career, by pledging themselves to impracticable measures, is a most useful check upon the votes of those who have not the responsibility of office; and it would be highly inexpedient to diminish the force with which this motive operates, in restraining Members of the House of Commons from voting in favour of what they know to be wrong or unwise, from deference to momentary clamour.

Secondly.—Another fault which I think may justly be found with the reformed House of Commons, is, that there is a want of proper facilities for bringing into it some of the classes of Members who were formerly returned by the close Boroughs. I have already admitted the force of the arguments urged in favour of these Boroughs, during the debates on the Reform Bill, on the ground of their having been the means of bringing into the House of Commons many of its most useful Members; and though, from the abuses to which they had also led, I cannot doubt its having been right, or rather absolutely necessary, at that time, to abolish Boroughs of this description, it is, I think, to be regretted, that this was not done in such a manner as to provide some other means of bringing into Parliament certain classes of Members whose return by the close Boroughs had been attended with advantage. We miss in the reformed House of Commons

the Members who virtually represented certain special interests, and those who, occupying an independent position, and not looking for the retention of their Seats to the favour of any numerous body of constituents, were able boldly to oppose any popular delusion of the day. My remark however on the want of a substitute for the close Boroughs, as regards some of the persons they were the means of bringing into Parliament, applies chiefly to the Ministers, and to those subordinate members of the Government who hold offices requiring that they should sit in the House of Commons.

While close Boroughs existed, the Administration of the day had no difficulty in appointing the fittest persons that could be found to those situations which, according to the existing practice, must be held by Members of the House of Commons. But it has now become difficult (except perhaps at a general Election) for a Minister to find Seats in the House of Commons for persons he may wish to appoint to Parliamentary offices ; his choice, therefore, in the selection of candidates for these places, is practically limited to men who are already in Parliament, or who have the means of obtaining admission to it. He cannot even choose freely in the House of Commons itself, since it often happens that a Member who has been returned at the preceding general Election could not

vacate his Seat afterwards, with any prospect of regaining it.

There can be no doubt, that much practical evil has resulted from this state of things. In the first place, it has been an obstacle to placing important offices in the Government in efficient hands; and, if it were not invidious to do so, there would be no difficulty in pointing out very bad appointments which have been made solely from this difficulty. It has further, on more than one occasion, caused arrangements which had been made for filling the highest posts in the public service to be disturbed by the mere caprice of some local constituency, in rejecting as their representative a person selected for one of these posts by the Crown. Ministers have sometimes been thus driven to make arrangements of very questionable propriety, in order to obtain the Seats which were necessary for the performance of their duties; and at other times, have been exposed to a pernicious local influence in the discharge of their official functions. Indeed, it is so difficult for a Minister, who represents a large body of constituents, to exercise his judgment with proper freedom and to escape altogether from being biassed by their local interests and feelings, that it appears to me very desirable, that in general the Servants of the Crown should not hold Seats of this kind. Such

seems to have been the opinion of Mr. Canning, who, when he became Secretary of State for Foreign Affairs, and Leader of the House of Commons, very wisely, as I think, resigned his Seat for Liverpool, and came in for a close Borough. In like manner, it was, I believe, a great advantage to Sir Robert Peel, as a Minister, that, after the passing of the Reform Act, he sat, not for a large and populous place, but for one of the smaller Boroughs, where he possessed a commanding influence; while, on the other hand, it was a disadvantage to Lord John Russell, in his Ministerial career, to represent the City of London. It is not however with regard to Cabinet offices that the inconvenience I am now referring to is most felt. These offices are usually conferred on men already known and distinguished; and to such men it is not often a matter of much difficulty to obtain a Seat in Parliament. But it is far otherwise with regard to the persons whom it would be most desirable to select for Law Officers of the Crown, for Under-Secretaries of State, or for any of the subordinate Parliamentary offices. For some of these situations, it is of great importance that the Government should be able to choose the young men of whose talents and acquirements they may think most highly, not only in order that the duties of these offices may be well performed at the time, but perhaps even more for the sake of

providing, for the future, a sufficient supply of men well trained for the highest posts of the Government.

With respect to the Law Officers of the Crown, it is of still greater consequence that they should be chosen with the utmost care from the whole Profession, since, both from the nature of their duties, and from their supposed claims to be advanced to the highest judicial offices, the vital interests of the Nation, in the due administration of justice, are deeply concerned in the appointments that are made. The Law Officers should always, if possible, be men who stand in the highest estimation for professional knowledge and ability, and who are also looked up to and respected as men of honour and integrity. But it is most improbable, that either the young men best qualified for subordinate political offices, or the lawyers most fit to become Attorney or Solicitor-General, will always be found in the House of Commons. Experience has demonstrated, that the qualities which are required for these situations are not those which most recommend men to the favour of electors. With regard to the Law Officers of the Crown more especially, I fear, that the necessity of selecting them from the ranks of the House of Commons has already had an injurious effect on the whole legal Profession. It has taught the Bar generally to look for advancement, less to professional distinction

and to acquiring a high character, than to success in the House of Commons; and as lawyers have usually little opportunity of cultivating the favour of any body of electors in the legitimate exercise of their Profession, a competition has been created to gain Seats in Parliament by other means, too often of a very questionable character.

Thirdly.—It must also, I think, be admitted that the Reform Act has failed to do as much towards putting down corruption as was desired and expected. Many persons go further, and assert that corruption has been actually increased by that measure; but I can see no grounds whatever for supposing this to be true. Corruption I believe to have been far more general before the passing of the Reform Acts than now; the mistake of supposing the reverse to be the case, seems to have arisen from overlooking the fact, that it could formerly escape detection much more easily than at present. The forms of proceeding before Election Committees, till within a few years, were such as to throw the greatest difficulty in the way of proving bribery, even in flagrant cases; whereas, by recent changes in the Law, the principle of using the most searching means to inquire into alleged corruption has been carried almost to an extreme. Many of the corrupt transactions of former days were also different in kind from what take place now; the

sale of Boroughs by their proprietors, for instance, was practised openly and avowedly; and, though there is scarcely an instance of its attracting the notice or censure of Parliament, it was certainly not less corrupt than the sale of their votes by individual electors. The only difference between the two transactions is, that in the one case the purchaser of the Seat bought it in gross from an individual proprietor, whereas in the other, he buys it in detail from the several persons among whom the right of disposing of it is shared. Perhaps the wholesale purchase was the most dangerous of the two, since in that case it not unfrequently happened that the Government was the buyer, and paid the price of the Seats in honours or in jobs. It is true that the owners of Boroughs often insisted on the purchasers of the Seats being of the same politics with themselves; but this was by no means the invariable practice, nor can it be regarded as altering the character of the transaction, even when it was followed. In many of the most corrupt Boroughs the voters habitually accept in preference the bribes of candidates of their own Party, but it has never been held that they thus escaped the guilt of corruption. But though corruption may have been considerably checked, as I believe that it has been, by the passing of the Reform Act, it would be absurd to pretend that it has been put down, or that

the Measure has in this respect been as successful as was hoped.

Lastly.—The Reform Acts of 1832 were advisedly, and, as I think, wisely, framed in such a manner as to leave many anomalies and irregularities in our Representative system, and to keep within moderate limits the extension of political power to classes of the population which had not previously enjoyed it. Since those Acts were passed, the Nation has made much progress, and the state of things is greatly altered. The People are, I believe, become more fit to exercise political rights, and a strong desire has grown up for their more extensive diffusion, and for the correction of some of the anomalies and irregularities still left in our Representation. Hence the constitutional arrangement of 1832, when considered with reference to the circumstances of the present time, must, I think, be regarded as defective.

Such appear to me to be the chief defects, now requiring to be corrected, in our system of Representation, as it was settled by the celebrated Acts passed in 1832; but having freely acknowledged these faults, and not having attempted in any way to disguise or diminish them, I must conclude this Chapter as I began it, by expressing my opinion, that, in spite of its inevitable imperfections, the Measure was on the whole one of the greatest and most beneficial changes which

any country ever effected in its institutions. We owe to it numberless other reforms, including the correction of abuses which were eating into the very vitals of the Nation, which nothing short of this alteration in the constitution of the House of Commons would have rendered it possible to extirpate, and which, if allowed to continue, must have led to some frightful convulsion; we owe to it also a quarter of a century of domestic peace, and of the greatest prosperity and progress which as a Nation we have ever enjoyed.

It may justly be regarded as having been the means, under Providence, of securing these blessings to the country; not merely because the Reformed Parliament has passed measures and supported a policy which could not have been looked for from the unreformed House of Commons, but also because the confidence of the People, which had been withdrawn from the latter, has been freely given to the former. This confidence has given it strength, both for legislation and to support the Executive Government. Some of the most useful Acts passed since 1832 would hardly have been accepted by the Nation from a Parliament in which it did not feel that it was really represented, even if such a Parliament could have been induced to adopt them. And in 1848, amidst the crash of the old Governments of Europe and of the revolutionary passions then let loose, the Constitution and the Throne could not

have maintained their stability in this country, to the astonishment and admiration of the world, if the great Measure of 1832 had not been successful in recovering for the Legislature the previously alienated affection and confidence of the People.

It is quite consistent with holding this opinion, as to the merits and beneficial results of the Reform Act, to believe that it has faults which it would be highly desirable to remedy. Time, and those changes which are always going on in every human society, have rendered its original imperfections more obvious, and more injurious to the working of our Government, than they were in the first instance. I believe these imperfections to be capable of being in some cases removed, and in others diminished; but I am persuaded that the utmost caution will be necessary in attempting to correct them, lest changes should be introduced, which, though plausible, and not perhaps apparently involving any departure from the principles of our Constitution, would yet be found, in practice, to obstruct the working of the complex machine of our Government. In the next Chapter I will endeavour to point out some of the considerations to which it seems to me most important to attend, in framing any plan for a further reform of Parliament.

CHAPTER VI.

CONSIDERATIONS AS TO A NEW REFORM BILL.

THE difficulty of drawing up a plan for reforming the Representation of the People in Parliament, in a manner that would be at once safe and effectual, can hardly be overrated. I do not propose undertaking a task to which I should be entirely unequal, nor will I even describe some improvements in the existing law which, from observing its effects, I have been led to believe ought to form part of any measure that may be adopted. My humbler aim in this Chapter will be to call the serious attention of those whose duty it may be to frame a new Reform Bill, and of those to whose judgment such a Bill may be submitted, to a few considerations which it seems to me very important not to overlook in dealing with so difficult a subject.

I. In the first place I would observe, that it ought

constantly to be borne in mind that the power of Parliament is by no means unlimited. It does not follow, because the objects aimed at by a law are right, that its effects will necessarily be good, or because certain things are prescribed and others forbidden by Acts of Parliament, that men will do what is commanded, or abstain from doing what is prohibited. Unless legislation is in accordance with the feelings of the People, it will be unsuccessful, and laws passed without a due consideration of the motives that govern the conduct of mankind are sure to be disregarded. This is so obvious a truth that I should have thought any reference to it quite unnecessary, were it not that it appears to be often overlooked in practice, and to have recently been so by Parliament, in a matter with which any new Reform Bill will have to deal.

One of the objects of such a Bill undoubtedly ought to be, to guard as far as possible against corruption ; but it would be a delusion to flatter ourselves that this can be easily accomplished, or that the evil can be eradicated by penal laws, such as that which was passed a year or two ago against bribery. Little advantage can, I think, be anticipated from legislation of this kind. The penalties of the new Act against bribery are very severe, and it gives powers of a highly inquisitorial character for the de-

tection of the offence ; but it does nothing either to diminish the desire for Seats in Parliament, in men who are willing to spend large sums of money to obtain them, nor yet to take away from those who have the power of disposing of these much coveted Seats, their natural inclination to make this privilege the means of advancing their own private interests. While the possession of a Seat in Parliament gives power and distinction, men will be ready to make great sacrifices to obtain one ; and while three or four hundred voters, many of them in humble life and needy circumstances, are invested with the right of giving away a Seat, it is not consistent with the nature of mankind to suppose that they will always resist the attempts which are sure to be made to gain their favour by money or by money's worth. They have nothing to induce them to reject such overtures except a sense of duty, and the interest they have, in common with the Nation at large, in the best candidate being returned to Parliament. I fear that a sense of duty, in such a case, is but a feeble security against the strong temptations to which voters in these circumstances will be exposed, and that appeals to their interest as individuals, will outweigh that which they have in promoting the general good of the community by making an honest use of their franchise. Legislation may throw some difficulties (not however

difficulties likely to prove long insurmountable*) in the way of giving money bribes for votes, but it is powerless to prevent an understanding between the parties, for giving and receiving money's worth. The voter may have a house or land let to him on such advantageous terms as to be equivalent to an annual present from his landlord, to whom consequently he will not refuse his vote. This is probably the most common mode of bringing the pecuniary interest of the elector to bear upon his use of the franchise; and while this continues to be notoriously practised with impunity, it is impossible that, in counties and boroughs where property is thus used by one party, those on the other side will think themselves morally more guilty of bribery than their opponents, if they endeavour to compensate the disadvantage to which they would be thus exposed, by giving to the voters who support them an equivalent in money for what is given by their antagonists in value.

If men wish to give their votes in return for some personal advantages to themselves, instead of according to their judgment and conscience, the modes in which appeals may be made to their corrupt interests are so innumerable, that it is utterly impossible for the law

* The results of the late Election Committees inspire a strong suspicion that means of evading the stringent provisions of the new laws have already been discovered and used with no small success.

to provide against them. Hence it follows, that such practices cannot be stopped by direct legislation, and that the only hope of putting them down is to make arrangements, which will have the effect of taking away on one side the disposition to give, and on the other the willingness to receive, bribes in return for votes.

I will not however pursue this subject further; what I have said respecting the Bribery Act is merely intended to give a single example of the error of supposing, that the objects aimed at by laws will really be accomplished by them, when they are passed without due consideration of the motives which govern men's conduct. In laws that deal with the distribution of political power this error is peculiarly dangerous, and ought therefore to be carefully guarded against in framing a new Reform Bill.

II. It ought not to be too hastily concluded that, because there are undeniable objections to some parts of our constitutional system, or to practices which have grown up under the existing law, it would therefore be safe at once to adopt measures designed to remedy these particular defects, without at the same time providing against evils of a different kind, which may be less apparent but not less real. No form of government is perfect, but those which have been most successful in practice (and especially our own) seem to have been mainly indebted for their success

to the fact that their opposite defects have, as it were, counterbalanced each other. This balance might be destroyed, by correcting faults of one kind without applying any remedy to those which may act in an opposite direction. For instance, referring again to bribery, there can be no doubt that its prevalence at elections is a great evil; but it is not a greater evil, nor is such an employment of money more immoral, than the use of other means to pervert the judgment of voters. To give money bribes to electors is not worse, or rather not nearly so bad, as to court their favour by flattering their passions and prejudices, and by encouraging them, knowingly, in mischievous political errors. More real guilt is incurred, because greater injury is done to the Nation, by having recourse to the arts of the demagogue, than by the illicit use of money for the purpose of carrying an election, and at the present moment the former abuse seems to be more common than the latter.

Hence, if all appeals, direct or indirect, to the pecuniary interests of electors could be put down, without at the same time taking precautions against the complete ascendancy of the class of candidates who trust to unscrupulous flattery of the mob, the change to be expected in the character of the House of Commons would be one rather for the worse than for the better. Demagogues would probably take the places

of men recommended by their wealth. The object therefore which ought to be aimed at is, to check both kinds of abuse as far as possible, and to make arrangements which will favour the return of Members to Parliament, who should not owe their seats either to their money or to their base courting of popularity. To accomplish this object would no doubt be difficult, but if its importance were recognized, I see no reason to despair that something at least might be done towards effecting it.

In like manner it must be admitted that the existence of extreme inequalities in the distribution of the right of returning Members to Parliament is an evil, and that abuses have often arisen from the extensive patronage possessed by the Crown. But, on the other hand, the inequalities and anomalies of our Representation have been the means of giving that peculiar character to the House of Commons, to which I have endeavoured to show that its usefulness has been mainly attributable; and, but for the large patronage possessed by the Servants of the Crown, it is difficult to understand how their authority could have been maintained. Upon this last point (the use and abuse of patronage) so much dangerous error seems to me to prevail, that I shall return to the subject in another Chapter. I am far from contending that the faults I have just mentioned, and others which no doubt exist

in our Constitution, ought not to be corrected, but I hold it to be absolutely necessary, for the safety of any measures which may be adopted with that view, that they should be directed at the same time against defects of opposite tendencies. In sweeping away admitted abuses, it should be borne in mind that they sometimes arise from the same political arrangements which have likewise produced results indispensable for the safe working of the State machine; so that when, in order to get rid of the abuses, these arrangements are altered, the useful purposes they have also answered ought to be provided for by some other means. In spite of the close connection between what is good and what is bad in these arrangements, I believe that in most cases it would not be impossible to separate the one from the other; and that, if the task were undertaken in the right spirit, it would be practicable to devise a measure which should both meet the just wishes of those who are anxious for reform, and at the same time preserve whatever is valuable in our present system, and maintain the balance of the Constitution. But to discover the best means of accomplishing this object, would be no easy task for the united wisdom of many experienced and able men; it would therefore be presumptuous in me to express, or even to form, a decided opinion as to how it ought to be attempted.

III. Whatever may be the reforms resolved upon, it is of the greatest moment that they should be of such a character as to afford a reasonable prospect of their accomplishing a settlement of the Constitution which will not speedily be again disturbed, at least so far as regards its leading provisions. There is no course that I should view with greater alarm, than the bringing forward a plan of reform of such a nature as to be likely to increase the desire and prepare the way for more extensive alterations. The habit of making frequent constitutional changes is one of the most dangerous which a People can acquire; nor is anything so fatal to good government, and to the prosperity of a Nation, as the constant agitation of questions as to the form of its institutions. These questions are so exciting in their nature, that while they are agitated they absorb men's attention, to the exclusion of all practical measures; and while the construction of the machine by which a Country is to be governed is in debate, there is little leisure for considering how it is governed, in the meantime, by that which actually exists. One of the first requisites also for a good Government is, that it should possess that authority and moral force which nothing but a general assurance of its stability and permanence can confer; and the power of commanding the prescriptive reverence and confidence of its subjects, which a

Government derives from long duration in the same form, is an element of wholesome strength, of which it is impossible to supply the place or overrate the value. Frequent changes in the institutions of a Nation prevent its Government from ever acquiring this strength, and render it impossible that a belief in the permanence of the authority they are called upon to obey should take root in the minds of the People.

These considerations were declared, in 1831, to have had a large share in determining the Administration of that day, to bring forward a measure of Parliamentary Reform, which is well known to have been far larger than was expected either by their friends or their opponents. It was hoped and believed, that the extent of the Measure would render it unnecessary, for some considerable time, to disturb the settlement then to be effected; and the fact that it remains still in force, without any material alteration, after having been five-and-twenty years in operation, is a sufficient proof that this policy was successful. A similar policy ought, I am persuaded, to be now followed, if any attempt is made to effect a further amendment in our Representation. But to make any comparatively small alteration in the existing distribution of the right of returning Members to Parliament among different Constituencies, (by adopting, for instance, the plan which has been suggested, of disfran-

chising all Boroughs having less than a thousand electors, and disposing of the vacant Seats by conferring them on the largest unrepresented towns, and dividing the largest of the present constituent bodies,) would be to pursue a policy of the very opposite character. In the actual state of public opinion, it is clear that any such measure would fail to settle, even for a single year, the question as to what our representative system is to be in future. The anomalies of our existing system, which it is so easy to describe in a manner to raise a prejudice against them, would remain with but slight diminution; while a second measure of this kind, following the Acts of 1832, would render untenable the ground of prescription, on which alone it is possible to defend the right of the smallest bodies of electors, which would still continue in existence, to an equal share of Parliamentary power with the largest. The distribution of the right of sending Members to Parliament, which would be left after such an alteration as I have referred to, would rest on no principle, and would be incapable of being supported against the attacks which would not fail to be immediately directed against it.

IV. The great difference between the circumstances of the present time, and those of 1831, ought not to be overlooked; nor the fact that, if another Reform of Parliament is now needed, it is not for the same

reasons, and ought not to have the same objects, as the original Reform Bill. I have remarked in a former Chapter, that, in 1831 a great change in the distribution of political power was urgently required, because experience had demonstrated that the House of Commons, as then constituted, was not sufficiently under the influence of public opinion, and that its conduct was habitually biased by the selfish interests of those who returned a majority of its Members, to the injury of the Nation at large. No similar charge can, with any justice, be brought against the reformed House of Commons; errors of judgment may be imputed to it on many occasions, but its whole conduct affords clear evidence of a sincere desire to do what is best for the Nation at large; and, instead of having shown itself insensible to public opinion, it has, on the contrary, been rather too easily swayed by the popular feeling of the day, so as to lose somewhat of that deliberative character which it ought to possess.

I make this assertion with confidence; because, even in the speeches of the most violent advocates for the passing of a new Reform Bill on democratic principles, I observe that few attempts have been made to show that the existing distribution of power has led to any injustice to the humbler classes of society on the part of the Legislature. Far from this having been the case, it is notorious that Parliament, of late years,

has shown in all its measures, and especially in its financial measures, a most anxious desire to promote the welfare of the working classes. So much so, that it is the opinion of some persons well qualified to form a judgment, that, in the distribution of the burden of taxation, these classes have been even unduly favoured; and that their real interests have sometimes suffered from the too great eagerness of Parliament to consult their wishes, even when they are mistaken, by passing measures such as the Factory Acts, which have been condemned by many high authorities as meddling legislation. The only practical wrong ever alleged to have been suffered by the people, from the want of a more popularly constituted Representation, is, that of their having been excluded from a fair share of the patronage of the State. Even this complaint would, I believe, prove on investigation to be unfounded; and, at all events, it must be admitted, that the reformed House of Commons has not shown the disposition, imputed to the unreformed one, to keep up the public establishments on a scale of unnecessary magnitude, for the sake of providing lucrative employment for those by whose influence its Members are elected.

These are facts of which it is most material that we should never lose sight, in considering the question of a new Reform Bill, since the only sound principle on

which constitutional changes can be attempted, is that of directing them to practical improvements of the Government, and to the removal of evils that have been felt, not to the gratification of men's passions or their love of change. But, if this principle is recognized, it follows that a new Reform Bill ought not, like the former one, to aim at the transfer of a large amount of political power from one class of society to another, since this is no longer necessary, in order to protect the general interests of the community from being sacrificed to those of a minority of its Members. It is not however to be inferred, that no reform of our Representation is required, because there is no occasion for altering the existing distribution of political power among different classes of society. A reform is wanted, though not for the same reasons as formerly. In the present state of things, the objects that ought to be aimed at by such a measure are, to interest a larger proportion of the people in the Constitution, by investing them with political rights, without disturbing the existing balance of power; to discourage bribery at elections, without giving more influence to the arts of demagogues; to strengthen the legitimate authority of the Executive Government, and at the same time to guard against its being abused; and to render the distribution of the Parliamentary franchise less un-

equal and less anomalous, but yet carefully to preserve that character which has hitherto belonged to the House of Commons, from its including among its Members men representing all the different classes of society, and all the different interests and opinions to be found in the Nation.

Much public good might be anticipated from the passing of a new Reform Bill having these for its objects, but it would be far otherwise with one of which it should be the design or the effect to render the House of Commons more democratic in its character, since, in the present state of society, it can hardly be doubted, that any increased power given to the democratic element in our Constitution, must end, sooner or later, in its complete ascendancy. Though strongly convinced of the value of free institutions, and a firm friend of popular liberty, I am yet persuaded that such a change in the character of our Government would be one of the greatest misfortunes that could befall the Country; I therefore earnestly hope that all who are disposed to support measures calculated to lead, more or less directly, to this result, will carefully consider whether it would not be likely to prove injurious to all classes of society, and perhaps to none more than to that which might seem, at first sight, to be the most direct gainer by it.

The mere possession of political power is of itself

no advantage to the People at large. Indeed, it is impossible that such power should be directly exercised by the People of a great Nation. Under the most democratic Constitution, it must be delegated, either avowedly or virtually, to a few individuals. The privilege of choosing these holders of power, is all that such a Constitution can even profess to confer upon the People; and it has been found that there is no security that this privilege shall be more than a delusion. The dexterous management of a few unscrupulous men may, under a system of Universal Suffrage and Vote by Ballot, impose upon a community rulers who possess its confidence as little as they deserve it. Thus there has been lately seen in California the extraordinary spectacle of an armed insurrection of the inhabitants, virtually deposing the authorities of the State so elected by themselves, in order to execute the decisions of a self-constituted Vigilance Committee.

The possession of political power is valuable to the People, not for its own sake, but as the means of ensuring good government; their real interest therefore is, not that they should have the largest possible share of power, but that they should have such a measure of it, and that the Government should be so constituted, as to afford them the best security for its being well conducted. And a Government is to

be considered as well conducted, when wise laws are passed and impartially enforced; when public employments are placed in the hands of honest and capable men; when the relations of the State with foreign nations are managed with firmness and a regard for justice; and when every member of the community is effectually protected against wrong from any quarter, without unnecessary interference with the freedom of thought or action on the part of individuals, or undue or unequal pressure of taxation.

A Government is to be considered better or worse in proportion as it more or less perfectly fulfils these conditions; and adopting this as the test, good government has not been found, either in ancient or in modern times, to be the result of extreme democracy. The great political philosophers of antiquity have drawn, as we know, a highly unfavourable judgment of its nature and effects, from what had been observed when they wrote of the working of Governments of this character. Though it has of late become the fashion of some political speculators, to treat the works of these authors as no longer worth attention, I still believe that the results of their experience well deserve the consideration so long paid to them, and that their writings contain lessons of wisdom not less applicable to our days than to theirs. The discovery that the People may act through their

Representatives, instead of directly, in public affairs, has indeed removed one of the difficulties which in ancient times obstructed the working of purely democratic Governments, and rendered them only practicable upon a small scale ; but I see no indication of the nature of this kind of government having been altered, from being carried into operation on a much larger scale, by the machinery of representative bodies. On the contrary, there is an almost marvellous resemblance between the characteristics of democratic governments in ancient and modern times, considering how completely the state of society is changed. In France, and in some other European countries, those brief periods during which unrestricted democracy has obtained the ascendancy in the last seventy years, have afforded examples of abuses and excesses singularly like those which are described as having followed democratic revolutions in ancient times, and have led, much in the same manner, to the extinction, for a time at least, of political liberty.

The United States of America afford the most favourable example of the working of a purely democratic system of government, during any considerable period in modern times. But its results, even in that great and flourishing Republic, seem to me to confirm the unfavourable conclusions of ancient writers,

whether we look to the working of the general Government, or of the Governments of the several States composing the Union. This is an opinion I express with reluctance, because I would not willingly say anything to wound the susceptible feelings of our American kinsmen ; but when we are on the eve of being called upon to consider some plan of Parliamentary Reform, and when it appears to be the wish of a large party, that the expected measure should be of a highly democratic character, it is right that we should look (for our own guidance) at what have been the results of extreme democracy, in the country where it has been most successful. A lesson of the highest value to ourselves, in the present circumstances of the country, may be drawn from the experience of the United States. I shall therefore, even at the risk of giving offence I would gladly avoid, and of repeating the substance of some observations I have made in former Chapters, call attention to the following results of the working of their Government, as compared with our own, which seem to be clearly established by indisputable evidence.

The Government of the United States has undoubtedly proved highly favourable to the material prosperity of the Nation, to its being preserved from the undue pressure of taxation, and to the accumulation of wealth. Even in these respects, it may be ques-

tioned whether it is now really superior to the Government of this Country ; if we take into consideration the advantages it has enjoyed from its large extent of unoccupied territory, and from its geographical position having hitherto given to the American Union little temptation or opportunity to engage in expensive wars, such as those of which the charges are still the cause of so large a part of our public burdens. Granting, however, that in this respect the Government of the United States has been favourable to the welfare of the people, there are large drawbacks from the advantage thus derived from it. Men enjoy under it far less real liberty than they do with us, because the tyrannical pressure* of the majority

* "L'Amérique est donc un pays de liberté où, pour ne blesser personne, l'étranger ne doit parler ni des particuliers, ni de l'État, ni des gouvernés, ni des gouvernements, ni des entreprises publiques, ni des entreprises privées, de rien enfin de ce qu'on y rencontre sinon peut-être du climat et du sol ; encore trouve-t-on des Américains prêts à défendre l'un et l'autre, comme s'ils avaient concouru à les former."—*Démocratie en Amérique*, vol. i. p. 284. (13th edit.)

"Je ne connais pas de pays où il règne en général moins d'indépendance d'esprit et de véritable liberté de discussion qu'en Amérique."—*Ibid.*, p. 307.

"En Amérique la majorité trace un cercle formidable autour de la pensée. Au dedans de ces limites l'écrivain est libre, mais malheur à lui s'il ose en sortir. Ce n'est pas qu'il ait à craindre un auto-da-fé, mais il est en butte à des dégoûts de tous genres, et à des persécutions de tous les jours. La carrière politique lui est fermée ; il a offensé la seule puissance qui ait la faculté de l'ouvrir. On lui

cramps the freedom of thought and action of individuals. Both Congress * and the State Legislatures are described as being ill calculated, either by their composition or the manner in which they conduct their business, to gain the respect of the public. Their Legislation is less directed than our

refuse tout, jusqu'à la gloire. Avant de publier ses opinions, il croyait avoir des partisans ; il lui semble qu'il n'en a plus maintenant qu'il s'est découvert à tous ; car ceux qui le blâment s'expriment hautement, et ceux qui pensent comme lui, sans avoir son courage, se taisent et s'éloignent. Il cède, il plie enfin sous l'effort de chaque jour, et rentre dans le silence comme s'il éprouvait des remords d'avoir dit vrai."—*Ibid.*, p. 308.

"Les monarchies absolues avaient déshonoré le despotisme, prenons garde que les républiques démocratiques ne le réhabilitent, et qu'en le rendant plus lourd pour quelques-uns, elles ne lui ôtent, aux yeux du plus grand nombre, son aspect odieux et son caractère avilissant."—*Ibid.*, p. 309.

* "Lorsque vous entrez dans la salle des Représentants à Washington vous sentez frappé de l'aspect vulgaire de cette grande assemblée. L'œil cherche en vain dans son sein un homme célèbre. Presque tous ses membres sont des personnages obscurs dont le nom ne fournit aucune image à la pensée. Ce sont pour la plupart des avocats de village, des commerçants, ou même des hommes appartenant aux dernières classes. Dans un pays où l'instruction est presque universellement répandue, on dit que les représentants du peuple ne savent pas toujours écrire."—*Ibid.*

Horace Greeley, in a letter in the 'Tribune,' describing the usual proceedings of the House of Representatives, says that a person having made his way to the gallery "can only look down on the noisy Bedlam below him, somebody speaking and nobody listening; but a buzz of conversation, the trotting of boys, the walking about of Members, the writing and folding of letters, calls to order, cries of question, calls for 'yeas' and 'nays,' etc., give him large

own by an enlightened regard for the good of the whole community; witness the maintenance of a tariff at variance with every sound principle, for the supposed advantage of certain classes of producers. The management of public affairs is thrown into the hands of men selected for employment without regard to their fitness; the grossest corruption* notoriously

opportunities for headache—meagre ones for edification. Half an hour will usually cure him of all passion for listening to debates in the House. There are, of course, occasions when it is a privilege to be here, but I speak of the general scene and impression.

“Today, but more especially yesterday, a deplorable spectacle has been presented here—a glaring exemplification of the terrible growth and diffusion of office-begging. The Loco-Foco house has ordered a clean sweep of all its underlings—door-keepers, porters, messengers, wood-carriers, etc. etc. I care nothing for this so far as the turned-out are concerned; let them earn a living like other folks; but the swarms of aspirants that invaded every avenue and hall of the Capitol, making doubly hideous the dissonance of its hundred echoes, were dreadful to contemplate. Here were hundreds of young boys, from twenty down to twelve years of age, deep in the agonies of debasing earwiggling and button-holding, talking of the services of their fathers or brothers to ‘the party,’ and getting Members to intercede for them with the appointing power. The new doorkeeper was in distraction, and had to hide behind the Speaker’s chair, where he could not be hunted except by proxy.”—*H. Greeley’s Life*, p. 246.

* The biographer of Horace Greeley, when speaking of the Presidential election in which Jackson defeated Adams, says, “Hurrah for Jackson! carried the day. The last of the gentlemen of the revolutionary school retired. The era of wire-pulling began. That deadly element was introduced into our political system which rendered it so exquisitely vicious that henceforth it worked to corruption by an irresistible necessity. It is called, rotation in office.

prevailing, both in making appointments to office and in the general conduct of public business, whether by the Federal Government, or by the State or Municipal authorities. Even the administration of justice is infected with the taint, and fails to command the confi-

It is embodied in the maxim, 'To the victors belong the spoils.' It has made the word *office-holder* synonymous with the word *sneak*. It has thronged the Capitol with greedy sycophants. It has made politics a game of cunning, with enough of chance in it to render it interesting to the low crew that play. It has made the President a pawn, with which to make the first move,—a puppet, to keep the people amused while their pockets are picked. It has excluded from the service of the State nearly every man of ability and worth, and enabled bloated and beastly demagogues, without a ray of talent—without a sentiment of magnanimity, illiterate, vulgar, insensible to shame,—to exert a power in this Republic which its greatest Statesmen in their greatest days never wielded."—*Greeley's Life*, p. 100. We are not, of course, to accept this description as being literally correct; it is obviously written under the influence of excited feelings which must probably have led to a good deal of exaggeration; but making all allowance for this, the state of things which could be viewed in this light by an American citizen must be very bad. There is also abundant other evidence as to the main fact of the general prevalence of corruption.

Mr. Baxter, in his 'America and the Americans' (page 59), speaking of several Americans having been heard to declare, "that they believed their own Government to be the most corrupt on the earth," says, "This appears to me too strong a condemnation; but the disease prevails in the State Legislatures, and in the Councils of the various cities, just as much as at Washington. No one in New York seemed for a moment to doubt the alleged jobbery and trickery resorted to in obtaining privileges from the civic rulers. Leading men of every shade in politics, informed me that offices and favours were there openly bought and sold; that aldermen and councilmen accepted these situations for the avowed purpose of getting quickly

dence of the Public for its impartiality and fairness.* The policy of the Nation is mainly directed by demagogues, and those who are least scrupulous in flattering the passions of the People.† Lastly, though it is less than seventy years since the Constitution of the United

rich, and that jobs every week were there perpetrated with impunity, which, in this country, would bring to disgrace every person connected with them. I believe that as great corruption exists in the government of that city as was ever brought to light in the days of the Stuarts; and what is more, I have heard people defend it, on the ground that in America all can, at one time or other, share in the plunder, whereas in Europe public robbery was the privilege of the few. Within the limits of that municipality murders are of frequent occurrence, prisoners constantly escape, and highway robberies are neither few nor far between, whilst the police force, in 1853, cost more than a million of dollars."

* "It is painful to observe, that in many instances mob violence even yet interferes with justice in the Western Republic; and that wealth and station procure acquittals far more readily there than they do in aristocratic England. So many American citizens admitted and mourned over these evils to me, that I shall not occupy my space in adducing proof." . . . "Europeans will never believe that a country is really free, so long as rowdyism reigns rampant in civilized cities; and social rank, partisanship, or pecuniary bribes corrupt the fountain-head of justice. It is mockery for citizens of these States, where punishment seldom or ever overtakes the rich, to talk of liberty and equality. Under the shadow of ultra-democratic Governments in the other hemisphere, every year judicial decisions are given without exciting attention, so unrighteous and so strongly marked by a mean subserviency to wealth and station, that were they pronounced in monarchical Britain, no matter how high the authority, the consequences would endanger the peace of the nation, and shake the very pillars of the throne."—*Baxter's America and the Americans*, pp. 100, 101.

† *Démocratie en Amérique*, vol. i. p. 238 (13th edit.).

States was established, and it has, within a much shorter period, undergone those modifications which have given to the democratic spirit its present complete ascendancy, it is matter of general observation, that already this system of government has done much to lower the moral tone and character of the statesmen and people of the Republic.*

These evils are traced, by the best observers, to the unbalanced power of the democracy. It is the form of Government in the United States, not the People, that is to blame for them; since the high qualities of the American People at the time of the Revolution are universally admitted, and probably have alone enabled so ill-constituted a Government to be carried on at all. Such is the experience we have of the working

* "A mon arrivée aux États Unis, je fus frappé de surprise en découvrant à quel point le mérite était commun parmi les gouvernés, et combien il l'était peu chez les gouvernants. C'est un fait constant que de nos jours, aux États Unis, les hommes les plus remarquables sont rarement appelés aux fonctions publiques, et l'on est obligé de reconnaître qu'il a été ainsi à mesure que la démocratie a dépassé toutes ses anciennes limites. Il est évident que la race des hommes d'État Américains s'est singulièrement rapetissée depuis un demi-siècle."—*Ibid.*, vol. i. p. 236.

"When the United States contained only three millions of inhabitants, they produced generals, statesmen, philosophers, and orators, whose fame will live as long as the English language. Now there is not a single man of distinction among their twenty millions. Every President has been inferior to his predecessor."—*Opinion of Signor Manin (the defender of Venice), as given in the N. British Review for February, 1855, p. 321.*

of an unbalanced Democracy in America, and those who have closely watched public events of late years, must surely have already observed significant symptoms that its operation in this Country (should it ever unhappily be established here) would be even worse, and that we must expect it to give a disastrous ascendancy, in the conduct of public affairs, to demagogues who would make the worst use of their power.

V. Lastly, it is of the highest importance, that, before any measure of Parliamentary Reform is brought forward or supported by the Ministers of the Crown, the means by which it is to be carried should be very carefully considered. An abortive attempt made by the Government to effect a change in the Constitution, must inevitably produce much evil, and might lead to even fatal results, so that the responsibility of the Ministry that brings forward such a proposal would be very great. But, unless I am entirely mistaken in the views I have endeavoured to explain in this and the preceding Chapter, a measure of Parliamentary Reform, in order to be good and safe, ought not to be limited to merely extending the privileges of the People, but ought also to furnish securities against the overthrow of the balance of the Constitution by the undue extension of democratic power.

A Bill framed upon this principle must, however,

contain among its provisions, some that would be unpalatable to each of the two great divisions under which political Parties in this country may be classed. If such a Bill, therefore, were brought forward by any Minister in the ordinary manner, that is to say, without having secured the previous concurrence of the leaders of different parties, there would be no probability, or rather no possibility, of its success. If proposed by a Conservative Minister (which is most unlikely), it would be viewed with jealousy by the majority of the Nation; and those parts of it which were designed as a safeguard against democracy, coming from such hands, without the concurrence of the known friends of popular privileges, would provoke an opposition that could hardly be surmounted. If, on the other hand, any large measure of Parliamentary Reform were brought forward by a Whig or Radical Administration, without concert with the Conservative party, they must be expected to oppose it, since their opinions would naturally lead them to take this course. But the resistance of this great Party could be overcome only by the strenuous support of a still larger and more powerful Party. This there would be no chance of forming, in the present state of the Country, without obtaining the co-operation of the great body of persons who hold ultra-democratic opinions; while their assistance could

not be expected, unless for a Measure from which all that would be distasteful to them had been omitted.

Hence it may fairly be concluded, that no Bill making any considerable change in our Representative system is ever likely to be carried through Parliament, unless it is either adopted by the general consent of political Parties, as a compromise between their conflicting views, or else is of so violent a nature as to secure the energetic support of the great democratic Party. There would be no prospect of carrying a new Reform Bill of this last description through both Houses of Parliament without a fearful struggle, or without the use of means of a character more or less revolutionary. Little doubt can be entertained on this point by those who will consider how great would be the strength of the Conservative Party, when reinforced by that numerous and powerful body of men who would be driven into their ranks by the proposal of a highly democratic measure of Parliamentary Reform. The danger to which the Country would be exposed by a fierce and prolonged contest on this question, and the amount of evil it must certainly produce, can hardly be exaggerated.

The history of the Reform Act of 1832 ought to teach a useful lesson to men of all parties, as to the importance of not allowing a change in the Constitution again to become a subject of party strife. The

struggle by which that measure was carried was one of which the full danger and difficulty were not generally known ; but those who are aware of the truth, must, I am sure, concur with me in believing, that a nation has seldom passed safely through such peril of a fearful convulsion. Though it would not become me to enlarge upon the subject, I trust I may without impropriety express my conviction, that, under Providence, we owe our escape from that great peril to the judgment and the firmness with which the helm of the Government was held by its Chief, and to the steady course which he steered, in spite both of the bitter opposition to which he was exposed on the one side, and of the violent counsels so urgently pressed upon him by almost all his friends on the other. To engage the Nation again in a contest of the same kind, without the same urgent necessity for it, would be an act either of the most reckless folly, or of the deepest guilt.

Nor is it only as to the danger of such a contest, that the events of 1831 and 1832 are instructive. If we carefully consider the whole course of the proceedings on the Reform Bills, we must, I think, come to the conclusion that these measures might have been greatly improved, and that three much better Acts might have been passed (for the three divisions of the Kingdom), if, instead of being carried as they

were, they had been settled by temperate and candid discussion between the leaders of different parties. Instead of making a life-and-death battle for the maintenance of existing abuses, the Tory Party, had they been wise, would have frankly accepted, as unavoidable, the transfer of a large measure of political power from the hands of the Borough-holders to those of the People at large, and would have confined their efforts to the improvement of the Measure, so as to obviate the most reasonable of their objections to it. If they had shown a disposition to take this course, I feel convinced that the Ministers of that day would not have refused to meet them in a conciliatory spirit. As it was, the violence of the opposition which the Measure encountered made it utterly impossible that the question of amending it should be calmly considered; and unfortunately the changes which, to ensure its success, were made in it during its progress, were for the most part changes for the worse.

At the same time, it would be most unjust to throw the whole blame of the struggle by which the Reform Bill was carried upon the Tory Party. It must in fairness be admitted, that the violence of some of the partisans of the Measure was well calculated to increase the alarm which its magnitude might reasonably create, even in men influenced by no selfish considerations, but only by an honest concern

for the good of the Country. Sufficient anxiety was not felt by many of the Reformers, to reconcile adversaries of this class to what was, in truth, a hazardous experiment,—an experiment which I believe it to have been absolutely necessary to make, but of which the result could not fail to be a matter of anxiety, not alone to its opponents, but also to those of its supporters who understood its real character.*

The error committed by the Tory Party, in 1831, seems therefore to me to have been natural and pardonable; but it ought not the less, on that account, to be a warning to them not again to fall into a similar mistake. To avoid doing so, they ought to consider dispassionately the present state of the Country, and

* What I regard as the just view of the Reform Bill, and of the opposition it encountered, is so well stated in an article in the 'North British Review,' that I cannot forbear quoting the passage. "The Reform Bill, it is impossible to deny, was a transfer of power and political influence from the aristocracy to the middle classes. Who now will not acknowledge that this was a revolution, at the magnitude of which genuine patriots might well stand aghast, which cautious men might well deem wild and perilous, which even men who loved progress, if they loved safety likewise, might well deprecate and dread? Those who loved the People might not unreasonably doubt the wisdom of entrusting this new weapon to the People's hands. No one will now deny that it was a great experiment. No one will deny that in some respects its opponents judged it more truly, and saw further into its consequences, than its promoters. For ourselves, we confess that, approving it as we did and do,—believing it to have been a just, a wise, and a necessary mea-

the direction in which the tide of public opinion is setting, on the subject of Parliamentary Reform. Looking with this view to the declarations of candidates on the hustings, and to the result of the recent Elections, it must be admitted, that they afford clear evidence that a general desire does exist among the People for further changes in the constitution of the House of Commons, though this desire does not at present seem to be very strong, or to be founded on a sense of any real evils arising from causes that such changes would remove, and is to a great extent factitious. Most candidates in places where there are large numbers of electors, have thought it necessary to promise their support to proposals for further reforms in the Representation; and those who have refused to give promises of this kind, or have been

sure,—tracing in the main to its secondary influences the rapid progress of reforms in other lines,—we yet see in it several dangers, drawbacks, and extensive seeds of future and questionable change, which we did not see when it was passed; we acknowledge much weight and wisdom in many of the hostile arguments which at the time we scouted as the mere dictates of selfishness and folly; and we look back with something like remorse and shame at the violence of our language, the acrimony of our feelings, the imperfection of our philosophy, and the shortness of our vision. We were blind to much that our adversaries saw; we were obstinately deaf to many representations that ought to have been listened to with deference and profit; and if the thing had to be done again, we should act with greater modesty and temperance, with far less confidence, and far more misgiving.”—*North British Review for August, 1854*, p. 573.

most cautious as to how far they would go in doing so, have generally been defeated by bolder or less scrupulous competitors. A large proportion of the Members of the new Parliament, including some who hold a commanding position, are thus pledged to measures of organic change of greater or less importance. In future Parliaments, the number of Members committed to the same policy is not likely to be diminished; it seems therefore impossible that the adoption of some measures of this kind should long have been averted, even if the present Ministers of the Crown had declined to entertain the question. The pledge which they have given renders it absolutely necessary that the subject should be dealt with, either by the existing Administration, or by any other which may take its place if it should be dissolved. Assuming this to be true, it follows, that the great object of those who desire to prevent a dangerous disturbance of the balance of the Constitution, ought to be, to secure the adoption of a just and well-considered plan of Reform, instead of one based upon the principle of ultra-democracy.

But the ultimate passing of a Measure of the last kind, is not more likely to be ensured by a determined resistance to all Reform, than by allowing Bills to pass which make apparently slight additions to the democratic power, and which may perhaps be

plausible in themselves. I advert to such proposals as that for the extension of the County franchise, which was defeated by a small majority in the last House of Commons, and would probably have been carried in the new one, but for the effect of the Ministerial promise. As part of a large Measure, holding out the prospect of settling the question of Parliamentary Reform for some considerable time, this is a proposal which might probably be adopted with advantage, but which, if carried singly, would be calculated only to increase both the appetite for further change, and the power of those who demand it. The danger of such alterations in the franchise is exceedingly well stated by M. de Tocqueville in the following passage. He says:—"Lorsqu'un peuple commence à toucher au cens électoral, on peut prévoir qu'il arrivera, dans un délai plus ou moins long, à le faire disparaître complètement. C'est là l'une des règles les plus invariables qui régissent les sociétés. A mesure qu'on recule la limite des droits électoraux, on sent le besoin de reculer davantage ; car après chaque concession nouvelle, les forces de la démocratie augmentent, et ses exigences croissent avec son nouveau pouvoir. L'ambition de ceux qu'on laisse au dessous du cens, s'irrite en proportion du grand nombre de ceux qui se trouvent au dessus. L'exception devient enfin la règle ; les concessions se succèdent sans

relâche, et on ne s'arrête plus, que quand on est arrivé au suffrage universel."*

Nothing can be more just than this reasoning, and it leads directly to the conclusion, that there is more real danger in such small and partial measures as that I have mentioned (which are mere steps towards democracy) than in a more extensive change in our Representation, provided the latter is founded on a deliberate review of our whole system, and is so framed as to correct the faults in opposite directions which are to be found in it. If, therefore, permanent resistance to all change in the state of the Representation is (as I believe) impossible, the wise course for those who hold Conservative opinions is, to show themselves ready to concur in some fair and reasonable settlement of the question of Parliamentary Reform. Their doing so, would be no less for their interest as a Party, than for the good of the Country; since in the present state of opinion, so long as the question of Parliamentary Reform remains unsettled, not only the general question itself, but those particular ones which form part of it,—such as the Ballot, the extension of the Franchise, and the shortening of Parliaments,—will throw difficulties in the way of Conservative candidates in populous places.

To these reasons, in favour of the adoption by the

* *Démocratie en Amérique*, vol. i. pp. 67-68 (13th edition).

Conservative Party of the policy I have described, I would add, that the events of the last few years strongly indicate that, even if there were no wish on the part of the People for organic change of any kind, the time is coming when it will be impossible that things should remain as they are. The difficulties in carrying on our system of Parliamentary Government, to which I have adverted in a former Chapter, as having arisen partly from the Reform Acts of 1832, partly from other causes, seem to be growing more and more serious, and threaten virtually to break down the system itself, unless something is done to strengthen the authority of the Servants of the Crown in Parliament. But it would obviously be impracticable to effect this, unless the changes which may be proposed with that view should form part of a general Measure, by which an extension of popular rights should also be granted.

Nor is a fair settlement of this question less desirable to Liberal than to Conservative politicians, even looking at it merely with reference to their Party interests. Until it is settled, every Liberal Government must be placed in a false position, in which no course will be open to it free from difficulties and dangers. Such a Government cannot oppose motions like that of Mr. Locke King, or that of Mr. Berkeley, for the Ballot, without finding itself divided from its

usual supporters, and compelled to depend upon its opponents, while at the same time it brings the Seats of many of its Members into jeopardy. Nor can it, without extreme discredit, support such motions, and at the same time decline to pledge itself as a Government to carry the measures it has agreed to; while, if it should take that course, it would run the risk of being brought into a very embarrassing position by the resistance to be expected from the House of Lords. An Administration might, it is true, endeavour to force its measures of Reform through the House of Lords, but (as I have already endeavoured to show) there would be little chance of success in that attempt, unless a strong popular feeling were excited in its favour by proposing great concessions to the democratic spirit. But if a Bill involving such concessions were brought forward, it is by no means impossible that a Conservative reaction might be produced, and overthrow both the Bill and its authors; since there is no longer the same necessity as in 1831 for a sweeping change in the distribution of political power, and I believe there are few persons even in the Liberal party who desire to lower the British Constitution to the level of an unbalanced democracy.

For these reasons it seems to be equally the interest of the Nation at large, and of all political parties, that, by means of an amicable arrangement among these

Parties, a new Reform Bill, founded upon a fair compromise between conflicting opinions, should be passed. It ought not to be impossible to arrive at an agreement as to the provisions of such a Bill, if the Leaders of the principal Parties could be induced to meet, in order to consider the subject in a spirit of mutual forbearance, and with a sincere desire to settle the question. The difficulty is, to find some mode of bringing together, to consult upon this matter, those whose agreement as to what is to be done is necessary. No private and unauthorized consultation among the Leaders of different Parties, to enable them to arrive at an understanding as to the Measure they would support, would be likely to answer. Such a course would infallibly be denounced an odious cabal, and an improper attempt to control the deliberations of Parliament by a secret conspiracy, and against a cry of this sort no measure could be expected to succeed. Whatever steps are taken must be open and avowed, and ought also to have the character of a formal proceeding, sanctioned by authority.

If I might hazard a suggestion on the subject, I would venture to recommend, that the Queen should nominate a Committee of her Privy Council, composed of Members taken from different political parties, to consider and report what measures of Reform ought to be adopted. This suggestion is partly founded

upon one I remember to have seen in some periodical publication, that the course taken for the amendment of the Poor Law should be followed as a precedent, and that a Royal Commission should be appointed to inquire into the present state of the Representation, and the best mode of improving it. No doubt that course was eminently successful in the reform of the Poor Law, but the present is not quite a parallel case. Though a searching inquiry, calmly conducted by able men, would be useful for the purpose of discovering how our institutions may be most safely and effectually improved, something more is wanted. With respect to political changes, it is necessary to find out, not only what would be the best, but also what are the measures that could be carried with the assent of the chief political Parties in the Country. A Commission constituted like that which so ably investigated the question of the Poor Law, could throw little light on this point; but a well-selected Committee of the Privy Council might inquire, as well as a Commission, into the best mode of reforming our Representation, while it would also afford the means of discovering what measures could be carried, if it had among its members some of the Leaders of all the great Parties in the State, not excluding the Radical party. Even if it should prove impossible to induce the members of this Party to accept as sufficient such reforms as others

would regard as safe, there ought to be a full opportunity of considering their views; and the Party numbers in its ranks men who might with great propriety be made Privy Councillors for the purpose of enabling them to serve on such a Committee.

Should it be practicable to prevail upon a Committee, or a considerable majority of a Committee so constituted, to concur in a Report, recommending a plan of Parliamentary Reform suited to the present state of the Country, this Report, after having been approved by Her Majesty in Council, on the advice of Her responsible Servants, might be made the foundation of a Bill, to be introduced by them into Parliament; and there can be no doubt that, if thus brought forward, it would be passed without difficulty.

The course now suggested is no doubt one for which it would be hard to find an exact precedent,*

* This was the course followed in preparing the Bill for regulating the Constitutions of the Australian Colonies, in the year 1850, with the single exception, that, on that occasion, the Committee of Privy Council by which the subject was considered, included no political opponents of the Government of the day. No doubt there would in practice be a very material difference between what is now suggested, and the course then followed, but it is no difference in principle. Two Members of the Committee of the Privy Council on the Australian Constitutions, did not hold office in the Government, and the Ministers made themselves responsible for the measure, by advising the Queen to approve the Report of the Committee in Council, and by bringing into Parliament a Bill founded upon it.

but it is strictly in accordance with the law, and with the spirit of the Constitution; and the extraordinary nature of the difficulty to be surmounted may well justify the adoption of extraordinary means to get over it. At the same time, it is comparatively immaterial whether this or any other mode of proceeding be adopted, for the purpose of arriving at an amicable settlement of the question of Parliamentary Reform. What is really important is, to avert, if possible, the risk of a change in the Constitution becoming again the subject of party strife; not only on account of the certain evils and still greater danger of such a contest, but also because there would be a far better prospect of the success of a measure passed by conciliatory means, than of one, equally good in itself, but carried in spite of the resistance of the opponents of Reform. Assuming, even, that the provisions of the measure would be the same in either case, it is obvious that when any new system of Representation was first brought into play, its working would probably be for some time embarrassed by the passions and the exaggerated expectations which a struggle on such a subject could not fail to raise.

These considerations ought to have weight with men of all shades of political opinion, and I see no reason to despair of an amicable settlement of this difficult question, if the leaders of Parties will have

patriotism enough to join in an honest endeavour to arrive at that result, casting aside for a time all regard to party and selfish interests, and looking only to the best means of promoting the safety and welfare of the Nation. But if, instead of following this line of conduct, the chief Statesmen of the day should endeavour to use the question of Reform as an instrument for their own advancement,—still more if they should try to outbid each other as candidates for popularity, by the extent of the changes they may profess their readiness to support,—they will incur the heavy responsibility of bringing into peril, and probably destroying, what is most valuable in our Constitution.

CHAPTER VII.

ON THE EXERCISE OF PATRONAGE UNDER
PARLIAMENTARY GOVERNMENT.

THE working of Parliamentary Government in this Country has been much affected by the greater or less amount of patronage possessed by the Crown at different times, and by alterations of practice as to the exercise of that patronage which have taken place in the last century and a half; and it must also be much influenced hereafter by any changes which may be made on these points. It does not therefore seem foreign to the subject of this Essay, to consider the nature and effects of the system which has prevailed in this country, in filling up those civil and military offices which are not held by the Ministers of the Crown.

Under all forms of government, from despotism to unbridled democracy, complaints have been common, that the servants of the State have not been wisely

and honestly selected, but that merit has been habitually passed by, and the public interest sacrificed, by the appointment of incompetent men to perform important duties. No doubt these complaints are often the mere clamour of disappointed candidates, but they are also frequently well founded. Every different kind of government has its own difficulties in this matter, and none is free from the operation of some of the various influences that may tend to misdirect the stream of patronage. Under our own form of government (and the same may be said of free governments in general), those entrusted with patronage are under a temptation to use it corruptly, because they may thus purchase support which may help to prolong their own power. This abuse was formerly carried to a great excess in this country, and the Ministers of the day usually trusted to an unscrupulous use of the patronage vested in their hands as one of the principal means of maintaining themselves in office. So lately as in the reign of George the Third, not only were places and pensions bartered without shame for political support, but the dismissal of officers in the Army or Navy for votes given in the House of Commons was occasionally resorted to, and there were even instances of the removal of public servants from situations now regarded as permanent, for the avowed purpose of punishing their friends and relations for

having pursued in Parliament a line of conduct obnoxious to the Minister.

A striking improvement has taken place in the practice of Governments, and in the tone of public feeling upon this subject. No Minister would now dare to incur the responsibility of abusing the patronage of the Crown and its power of dismissing its servants, by such acts as were committed with impunity less than a century ago. In the last seventy or eighty years, public opinion has gradually brought the exercise of these powers of the Crown under the control of certain rules, which, though for the most part enforced by no written law, are yet practically binding upon the Government, and have put an end to many abuses.

Formerly, the appointment and promotion of naval and military officers was made almost openly a matter of mere favour. No rules existed prescribing certain periods of service in the lower ranks in the Army and Navy before the higher ones could be attained, and nothing was more common than to see men rise through political influence to the command of regiments and ships of the line, with scarcely any service or knowledge of their profession to recommend them. There are now very strict rules, as to the time that officers must serve in different ranks before they can be promoted; and it is universally recognized as the

duty of those entrusted with the powers of the Crown, to be guided in the distribution of promotion and professional employment in the Army and Navy by the rules of the Service and the merits of officers. I am far from asserting that favour has not still its influence in these matters, nor, human nature being such as it is, can we expect that this will ever cease to be the case. But it is certain that the exercise of patronage in the Army and Navy is now watched with so jealous an eye, that those by whom it is administered are compelled to be exceedingly careful how they employ it, and that thus gross abuses at least (such as were formerly of everyday occurrence) are now become rare, and the errors that are committed are chiefly errors of judgment. A Ministry, even if inclined to act corruptly, would no longer dare to abuse the military and naval patronage of the Crown for that purpose, since it is certain that far more would be lost than gained by the attempt.

The change which has taken place is not confined to the Army and Navy. The civil patronage of the Crown has been greatly reduced by the many economical reforms effected since the Peace of 1815, and especially since the Reform of Parliament in 1832; and some of the abuses which were formerly not uncommon, have been rendered impossible by the system now firmly established as to the tenure by which

all civil offices are held, except what are called political offices,—that is to say, those which are usually conferred on Members of either House of Parliament. As a general rule, the Civil Servants who do not sit in Parliament hold their offices technically and legally during the pleasure of the Crown, but are in practice considered as having a right to remain in undisturbed possession of them, so long as they continue to discharge their functions properly. This principle is so universally recognized, that the dismissal of a person holding a permanent office is never heard of now, except for misconduct.

In most of the Public Departments a regular order of promotion has also been established, so that by far the majority of the higher permanent offices in the Civil Service are filled up by the appointment of persons who have been gradually advanced to them from its lower ranks. The rule that these promotions should be strictly governed by a fair consideration of the respective claims of the several candidates, from seniority and merit, is recognized in principle; nor is it often departed from in practice, through undue favour or partiality. The odium which the Ministers who have to decide upon these promotions know that they would incur, both in their own offices and out of doors, by being guilty of favouritism, acts as so powerful a check upon abuse, that I believe it

may be said never to occur. Errors of judgment are no doubt frequently committed, in performing the very difficult duty of selecting public servants for advancement ; but the most common error, according to my observation, is that of giving undue weight to seniority, and too little to ability and merit, from fear of incurring the suspicion of partiality.

The strict control under which the exercise of the patronage of the Crown has thus been brought, and the reduction of its amount, have had an important, and, upon the whole, a highly beneficial effect on the working of our system of Parliamentary Government, though it would be a mistake to suppose the advantage derived from these changes to have been un-mixed with some inconvenience. The gain has been, that the power of corruption has been diminished, and that the distinct line drawn between permanent and political offices, together with the complete establishment of the practice of regarding the former as held during good behaviour, has diminished the evils incidental to changes of Administration. It is the very nature of Parliamentary Government, and indeed of all free Governments, to cause power to be from time to time transferred, from one man, or one set of men, to another ; but by allowing these transfers to affect only a comparatively small number of high offices, and by retaining the great majority of the

Public Servants permanently in their situations, the experience and traditional knowledge they possess of the business of the several departments of the State are rendered still available for the conduct of affairs. By changing (when there is occasion for it) those to whom the supreme direction of the Government is entrusted, enough is done to secure its being carried on in conformity with the feelings and opinions of the Nation; while, by leaving the details of business in the same hands under successive Administrations, it is made to proceed with a regularity and consistency which would otherwise be wanting.*

The same arrangement also conduces to the Public being well served at a moderate cost. A man can with prudence accept a far lower remuneration for his services, if they are permanently engaged, than if his employment is precarious. The salaries now paid to our Civil Servants (excluding of course the holders of political offices, upon whom other motives are brought to bear) would command a very inferior class of men, if, instead of knowing that they are in no danger of losing their employment unless by misconduct, and that they may ultimately look forward to a retiring pension, they were subject to be turned out of their situations at any moment for no

* See some remarks on this subject in Macaulay's *History of England*, vol. iii. p. 339.

fault and without any compensation. Men would hesitate before they abandoned other pursuits to serve the State upon these conditions, unless they received very high remuneration for doing so, either in salary, or in the shape of other and perhaps irregular emoluments.

The penalty of dismissal is also far greater in the one case than in the other, and consequently the security against misconduct afforded by apprehension of that punishment. A Custom-house officer, for instance, who risks the loss of a secure provision for life, by taking a bribe to connive at some fraud on the Revenue, is likely to be much less easily induced to do so, than one who hazards nothing but a place which he only holds till the next turn of the political wheel, and which he cannot expect to keep for more than three or four years. The general fidelity and trustworthiness of all the subordinate public servants in this country, are no doubt in some degree owing to this cause.

Another, and perhaps a still more valuable result of the permanent tenure by which the majority of public Servants in this Country hold their situations is, its tendency to mitigate the violence of party contests. When a change of Administration involves only a change in the holders of some fifty or sixty offices, usually entrusted to Members of the two Houses of

Parliament, the prospect of such an event is obviously calculated to create much less excitement than when it leads, as in the United States, to the transfer of some thousands of offices of all classes, including the very lowest, from one Party to another. Of late years it has become the practice in the United States, when a President is installed in power, to remove all opponents of the Party to which he belongs from the offices they hold, down to a village postmastership, or the lowest clerkship in the Customs. Hence the pecuniary interests of a large part of the population are directly affected by Presidential elections, and it is not surprising that they should create the intense excitement evinced all over the Union when they are approaching. We are happily spared from having the bitterness of our Party struggles aggravated, as it would be, if the fall of one Minister and the appointment of another were to be made the signal for dismissing the vast number of persons employed in the various branches of the Civil Service, and filling up this multitude of places from the ranks of the victorious Party. There can be no doubt that, were this to become the practice, it would lead to a perpetual succession of fierce political contests, violently exciting the hopes and fears of all classes of the population throughout the kingdom, giving rise to the grossest corruption and to all kinds of intrigues,

and rousing the most baneful passions. Such a state of things would be almost intolerable, and we pay a cheap price for avoiding it in sacrificing something of the energy of the Government.

It is certain that something of the energy of the Government is sacrificed by the curtailment of the patronage of the Crown, and the virtual independence now given to the Civil Servants of the State, because, however advantageous these changes may be in other respects, they have doubtless diminished the power of the Government to excite the zeal of those it employs by the hope of reward, and to facilitate the success of its measures by selecting the most efficient agents for their execution. When the manner in which the business is transacted in the Government offices, and in those of private merchants and manufacturers, is compared, it ought to be borne in mind, that the latter are absolutely free to choose whom they will employ, and to change their servants at their pleasure; whereas the head of a public department is compelled to carry on its duties by the aid of men in the selection of whom he has generally had no voice, and whom he cannot remove except for some flagrant misconduct.

I have said that the force and energy of a Government are necessarily diminished by this restriction on its freedom of choice, but that this is a sacrifice wisely

made ; and the same remark applies to those rules for the conduct of public business which have been contemptuously called the system of "red tape." Those who are entrusted with more or less authority in the management of the vast and complicated concerns of a great Nation, are liable to be tempted to use their power rather for their own selfish interests than for those of the Public ; for which reason it has been found necessary, in all countries, to lay down certain rules, and to require certain forms to be adhered to in the transaction of public business, for the purpose of guarding against the abuses which would otherwise be sure to arise. What is called the system of "red tape" consists, in reality, only of the rules of this kind which have been gradually established as experience has proved them to be necessary, and which, if carefully examined, would generally be found to be wise in themselves, though they are no doubt sometimes followed too slavishly.

In the organization of the public Departments of such a Nation as this, it is desirable not only to arm those who administer the Government with the means of conducting it with the greatest possible efficiency, but also to provide adequate checks against the tendency to corruption which is inherent in the nature of mankind. The advocates of what is called "Administrative Reform" seem to have overlooked the

fact, that it is impossible to devise any system which shall be completely satisfactory in both respects. In order to give the utmost vigour and energy to the Government, those who direct it ought to have a large discretion as to the manner of conducting its business, and an unfettered freedom of action in appointing and dismissing those whom they employ. On the other hand, if the object is to guard against the possibility of jobs, and to prevent the patronage of the Crown from becoming an instrument of corruption, then rules must be laid down which will act more or less as restraints upon those to whom the powers of the Crown are for the time entrusted. By attending exclusively to either of these objects, one or other of the two opposite evils would be incurred, either that of destroying the vigour of the Government, or else that of opening a door to dangerous abuses. Something must be sacrificed on each side, in order to place the Public Service on the footing which shall upon the whole be most conducive to the welfare of the Nation. This is what is aimed at by our existing system, and upon the whole with considerable success. I have had an opportunity of seeing a good deal of the interior of several of our Public Offices; and I am convinced there is not one of them, the permanent Members of which are not perfectly capable of giving to the Minister who conducts it, as

effective assistance as he is entitled to expect. As a body, the permanent Civil Servants of the State in this country are remarkable for their intelligence, industry, and high sense of honour. There are certainly individuals of a different character to be found in so numerous a body; but, taking them altogether, I cannot doubt that they would show a high average of fitness for their important duties.

I am far from thinking the constitution of our Civil Service so good as not to be susceptible of improvement; but the only practical suggestion for its amendment which, as far as I am aware, has yet been made by the Administrative Reformers, would, I am persuaded, be a change for the worse. I allude to the proposal, that vacancies in the Public Departments should be filled by what have been called "competitive examinations." The plan which I understand to be recommended for adoption is, that examinations in literature, mathematics, and certain other branches of knowledge, should be held periodically; that they should be open to all candidates who might think fit to present themselves; and that all the disposable vacancies in the Public Departments should be conferred on the successful competitors. The first objection to this scheme is, that the proposed examinations would afford no test of the comparative fitness of the different candidates for employment in the

Public Service. Brilliant talents and great acquirements are far less useful than moral qualities, in the holders of permanent offices. Industry, regularity, and fidelity, are the qualities which are most valuable in persons filling these situations, the great majority of which neither require, nor afford, a field for the exercise of more than average abilities. If therefore the scheme of competitive examinations were to prove successful in filling our Public Departments with men of first-rate talents, it may safely be predicted that they would not be content either with their occupation or with the advantages held out to them by the present scale of salaries in the Civil Service, since they would feel that in other pursuits their abilities would command far higher advantages, and find more scope for their exercise.

No doubt it would be possible to raise the general scale of salaries, so as to make the permanent Civil Service more attractive to men of the highest ability. But this would remove only one part of the difficulty, while it would occasion a formidable increase of the public expenditure, and, what is much worse, would open dangerous temptations to jobs, and to unfairness in making promotions in the various Departments; perhaps also in conducting the competitive examinations. While the present scale of payment enables the Public to command the services of men equal to the

duties imposed upon them, it is hard to see on what grounds an increase of salaries could be justified.

The best paid of the permanent Civil Servants receive, it is true, emoluments which are small compared to those of successful lawyers, physicians, or merchants; but they have a compensation in the certainty, for the moderate amount of their remuneration. They are also relieved from any heavy responsibility, by the subordinate position they must always occupy; for they can only enjoy the permanent tenure of their offices upon the condition of remaining subordinate to the Ministers of the Crown, who are answerable to Parliament for the measures of the Government, the responsibility of the permanent Civil Servants being limited to the faithful execution of the instructions they receive from the Ministers, assuming of course that these instructions are consistent with the law. It is no arbitrary rule, which requires that all holders of permanent offices must be subordinate to some Minister responsible to Parliament, since it is obvious that, without it, the first principle of our system of Government—the control of all branches of the Administration by Parliament—would be abandoned. Hence, though it has been sometimes treated as an absurdity, that an experienced and able Under-Secretary, in any of our great Departments, should be made subordinate to even the least capable Minister who may

be raised to be its temporary head in the vicissitudes of party contests, this is in fact an inevitable consequence of the nature of our Government; and it is quite certain that, if the able Under-Secretary were relieved from subordination to any superior, either he must submit to the general rule of retiring from office when he ceased to possess the confidence of Parliament, or a system of irresponsible administration would be introduced into the Department entrusted to him. Accordingly, when the talents and ambition of any of the permanent Servants of the Crown have led them to aspire to the power and distinction of the higher political offices, they have invariably given up the humbler but safer situations they have previously held.* But a profession, the very nature of which is to retain those who adhere to it in subordinate situations, which holds out no great prizes, and the distinguishing characteristic of which is, that it offers only moderate though certain advantages, is, by this very

* If I am not mistaken, both Mr. Huskisson and Mr. Herries originally belonged to the permanent Civil Service, which they quitted for political offices. It is to be regretted that there are not greater facilities for such transfers, and that able men cannot be more frequently brought from permanent to political offices. Such removals have been rendered far more difficult than formerly by confining the grant of pensions for political services within narrower limits, and making it subject to more rigid conditions. The existing rules as to the grant of such pensions seem therefore to be founded on a short-sighted economy.

circumstance, one into which it is inexpedient to bring the young men who stand in the first rank among their contemporaries for talents and acquirements.

Nor is it by any means certain that, by competitive examinations, we should attain the object of raising the standard of the intellectual qualifications for their duties possessed by our Public Servants. I have already observed, that moral qualities, which cannot be tested at all by a competitive examination, are far more important to them than great intellectual endowments; it may be added, that, even with regard to the latter, such examinations are a most imperfect test. All that can be ascertained by examinations is, the comparative proficiency of the different candidates in certain kinds of knowledge, which can seldom be directly useful in carrying on the business of a public office. Great acquirements in literature or in science would not assist a clerk in the War Office or Treasury, in checking a pay-list or examining an account; nor would they be more serviceable in the performance of the ordinary duties of ninety-nine out of a hundred clerks in all the various departments of the State.

Competitive examinations must therefore, it is to be presumed, be recommended for the purpose of ensuring the appointment of able clerks in our public offices, on the assumption that the superior

proficiency of the successful candidates in the subjects in which they have been examined justifies the inference that they must possess also a superiority of mental power which will render them more capable than their rivals of acquiring a knowledge of the business of the Department into which they are admitted, and of affording useful assistance in conducting it. But this inference will by no means always, probably not even generally, prove correct, after the system has been some time in operation. The comparative proficiency of different young men in certain studies, might possibly be some test of their comparative abilities, if these studies had been prosecuted under circumstances of equal advantage, and if equal labour had been devoted to them by the competitors. But as this cannot be the case, competitive examinations can afford no means of judging of anything beyond the positive acquirements of the several candidates, or, in other words, of the extent to which the memory has been stored, and the expertness which has been attained in such things as arithmetic and composition. Now it is certain that judicious "cramming," as it is termed, may often enable a youth of inferior abilities to show a greater amount of such expertness, and of acquired knowledge in a given range of subjects, than another, greatly his superior in all the most valuable qualities of the

mind; nay more, these qualities may actually have been to a great extent sacrificed to the acquisition of that knowledge.

It is a well ascertained fact, that the premature forcing of young minds has an injurious effect upon their vigour in after life; and the acquisition of a great amount of knowledge may be dearly purchased, by weakening the powers of judgment, of reflection, and of original thought.* If, therefore, admissions into the Civil Service of the State were given as a reward to the successful competitors in examinations open to all candidates who might present themselves, it is to be feared that, in the struggle to obtain this much-coveted employment, young men would be subjected to a system of education by which they would acquire extraordinary proficiency in certain branches of knowledge, at the expense of qualities much more conducive to their usefulness in the real business of life. The adoption of this scheme would therefore be calculated to render the Public Servants, as a body, less, instead of better, qualified than they now are for the work they have to do, by filling the various Departments of the State

* See some interesting remarks on this subject in Sir B. Brodie's 'Psychological Inquiries,' page 28, and the eloquent passage he has quoted from Dr. Newman's Lectures (p. 245) on the evil effect of compelling young men to "load their minds with a score of subjects against an examination."

with men possessing knowledge for which they would find little use in the performance of their official duties, but often deficient in that common sense and power of thinking and acting for themselves which would be invaluable, but which the over-training of young men is apt to prevent them from acquiring.

The mischief might not stop there; the proposed change would probably tend to introduce generally into the country a system of education calculated to injure the minds of the whole class of young men, from whom the candidates for the rewards offered for competition would be drawn. No more serious evil than this could be inflicted on the Nation; and there is the more reason to apprehend that it might follow from the proposed measure, in consequence of what experience has shown to be the effects of such a system in France. In that country, employment in the service of the State is made, to a great extent, the prize of success in examinations known by the name of *Concours*; and I have been informed on very high authority, that in the struggle to obtain these prizes, the different schools have gradually gone on increasing the amount of labour exacted from their pupils, until it has become most excessive. The consequence is said to be, that diseases of the brain have become formidably common, and that the young men who have been

thus overtaken in their early years, are in after-life usually found inferior, in the more useful qualities of the mind, to those who have received a more natural education.*

The experience of our own Universities of late years is said to be to the same effect. Many young men of the highest promise are found to break down their powers, either of body or of mind, and to render themselves physically or morally unfit for the real work of life, by the too intense labour they undergo in the struggle to obtain the highest places in the list of University honours. The cases however are comparatively rare, in which the voluntary exertions of young men competing for honours only are carried to an injurious excess. University examinations usually act as a stimulus to industry with no more power than is desirable, in order to overcome the temptations of

* It has been said by a very high French authority (whom I do not however think myself at liberty to quote by name), that the École Polytechnique turns out only "des bêtes savantes;" and this seems to be the real meaning of the opinion respecting this School which the Commissioners for inquiring into Foreign Military Education quote as having been expressed by General Paixhans. Speaking of the too great amount of abstract knowledge required from the pupils, the General says, "Leur cerveau fatigué d'études mathématiques compliquées, leurs vues incessamment dirigées vers l'abstraction, ne redescendent pas facilement à terre, à la terre des études et des travaux pratiques, lesquels sont en définitive ceux qui sont nécessaires au jour de la lutte en campagne, dans une armée assiégeante, ou dans une place assiégée."—*Report on Military Education*, p. 28

idleness and amusement. It is to be feared that examinations open to all candidates, and offering employment in the public service as the prize of success, would operate very differently. Most parents are so anxious to obtain this sort of employment for their sons, that the places of education which should prove most successful in training candidates to compete for it would soon be generally preferred. The managers of places of education would be unable to resist this impulse, and would be led to vie with each other in striving to force the largest possible amount of knowledge into the minds of their pupils. The consequence would be, that the rising generation in this country would, in a few years, be subjected to a system of over-driving like that which is said to prevail and to be so pernicious in France.

Nor could this be prevented by an endeavour on the part of the examiners to limit the extent to which the examinations should be carried. In a school, the stimulus of competition may be used, and at the same time the discretion of the master may guard against excessive labour being imposed on the scholars, as he has a control both over their conduct and over the examination.* But if there is to be competition

* This was done by Dr. Arnold, who, while he attached much value to competition as a stimulus to exertion, expressed also a strong opinion as to the necessity of preventing the boys under him being overworked, and took great care to prevent it. See his *Life*, vol. i. p. 126.

at all, among candidates who are not under such control, the examination must necessarily be carried up to a point at which some of the candidates will be less fully instructed than others. If it should only test the possession of an amount of knowledge which all can acquire completely, there will be no means of distinguishing between the first and the last; while, if the examination is carried far enough to show the comparative inferiority of some of the competitors, it is impossible to limit the amount of labour their instructors will impose upon them in order that they may excel their rivals.

For these reasons it may well be doubted, whether a better class of public Servants than we now have would be obtained by competitive examinations; and I do not hesitate to express my decided opinion, that another, and probably the principal, object aimed at by those who recommend them—namely, the reduction of the patronage of the Government—would be productive of injury, instead of advantage, to the Nation. No Government can adequately perform its functions, unless it possesses the power of reward as well as that of punishment; since, if punishment is necessary to enforce obedience to its commands, reward is the great instrument by which it can call forth zealous and able service. The Sovereigns and Ministers whose government has been most success-

ful, have almost invariably been remarkable for their judicious exercise of the power of reward. But among the rewards which a Government can bestow on those who have deserved well at its hands, the conferring upon their sons or near relations those appointments which are given to young men as the beginning of a career in the Public Service, is perhaps of all others that which is the least liable to abuse, the least costly to the public, and at the same time the most effectual. I should therefore see with deep regret the wholesale abolition of this sort of patronage, by the proposed establishment of the system of competitive examinations, and the more so because, in the war which has very properly been made against the gross abuses of former times, the means of reward possessed by the Government of this Country have already, in the last forty years, been perhaps too much curtailed.

It may be answered, that it is wrong to reward any services, however meritorious, by conferring appointments on the incompetent sons or relations of those by whom such services have been rendered. No doubt it would be highly improper to saddle the Country with incompetent young men in situations of trust, from any motive whatever; but this might be guarded against without depriving the Government of patronage, its possession of which, if rightly used, is of great advantage to the Nation. None of the

objections to competitive examinations for the admission of candidates into the service of the State apply to the establishment of a rule, that no young man shall be allowed to obtain public employment without having undergone a strict examination by an independent and impartial authority, to ascertain his fitness for it. This, if I rightly understand what has been done, is the plan the Government has till of late been generally* acting upon, in the place of that originally announced to Parliament in the Session of 1854, which was founded on the principle of competition. If the qualification to be required from candidates for the Public Service is judiciously fixed, and the examiners do their duty, examinations of this sort will effectually exclude incompetent persons from our public offices, without depriving the Government of its patronage, or incurring the other inconveniences to be apprehended from competitive examinations.

* I fear that this course can no longer be pursued, in consequence of the vote of the House of Commons on this subject in the last Session, in which the Government was compelled to acquiesce. This vote will probably cause the rest of the departments to follow the bad example already set by some of them, which had adopted the practice of making their appointments to depend either upon an open competition, or upon a competition between a few selected candidates. This last plan is exposed to most of the same objections as free competition, with the additional fault of being sure to lead to complaints of unfairness, in selecting candidates to compete against each other. Already such complaints are beginning to be heard.

I have discussed the scheme of making admission into the Civil Service of the State the prize of successful competition in public examinations, somewhat more fully than is proportioned to its importance in relation to the main subject of this Essay, because the proposal has obtained a degree of support to which I consider it little entitled, owing to its having been originally recommended to Parliament by the Ministers of the Crown, and to its having been since supported by a party which, whatever may be its real strength, is at all events remarkable for its activity. At the same time, the rules which regulate the exercise of the patronage of the Crown and the constitution of the Civil Service, have much influence, as I have already observed, on the working of our Parliamentary Government, and are in themselves of high importance. I shall therefore venture to make some further observations, and to offer some suggestions on the subject, before I take leave of it.

I have endeavoured to show, that security against improper appointments might be obtained without having recourse to competitive examinations; but it is not sufficient merely to provide that young men shall be debarred admission into the service of the State who are unfit even for the easy duties which are in the first instance imposed upon them; it is far more important, for the efficiency of the public Departments,

to ensure that promotion in them shall be given only to those who have shown themselves fit for it, by the manner in which they have performed their duties, and by the pains they have taken to acquire a knowledge of their business. With this view, the system of promotion which already exists in some offices should be made general, and at the same time more perfectly enforced. According to this system, the clerks in an office are divided into several classes, and each vacancy in one of the higher classes is filled, as it occurs, by the selection of any one of the class immediately below who may, in the judgment of the Head of the Department, have the best claim to promotion. It was intended that merit, rather than seniority, should be considered in forming this judgment; but the propriety of not excluding from consideration the comparative length of service of the different candidates having been admitted, it is to be feared that this system of promotion has a constant tendency to degenerate into one of mere seniority, or at all events into one in which the senior is passed over only for decided incompetence, and not on account of marked inferiority to a junior in ability or industry. The too great regard shown to seniority in some offices, has probably furnished most of the grounds that really exist for the assertion so strongly made, that a large proportion of incompetent men are to be found filling

important situations in our Public Departments. Young men entering these Departments at seventeen or eighteen, cannot reasonably be expected always to prove diligent and anxious to improve themselves from a mere sense of duty. Like men of the same age in every other profession, they have many temptations to idleness, and require some strong stimulus to exertion. In an office, therefore, in which advancement is equally sure to all who abstain from gross misconduct, we have no right to look for the same diligence and ability as may be expected in one where these qualities find their sure reward in early promotion. None who are acquainted with the interior of our Public Departments, will have any difficulty in recognizing the superior efficiency of those in which merit has been allowed to have its proper weight over seniority in promotions.

Such being the case, it is most desirable that promotion should be given in every Department upon this principle; and, to enforce its being so, I would suggest that the rule should be distinctly laid down, as being applicable to all the Public Offices, by an Order in Council; and further, that whenever a promotion was made, the reasons for it should be recorded. The Minister at the head of the Department ought to be responsible for the promotions made in it, as for all other official acts; but he should be

required to found his decision on a Report (which should be placed on record) from the Under Secretary, or the person holding by any other title the highest permanent situation in the office, who has both the strongest interest in making a right choice among the candidates for promotion, and the best means of judging of their respective qualifications. No Minister would venture, without good reasons, to overrule the recommendations offered to him in such a Report. In order still further to ensure, so far as this can be done by any regulations, the right performance of the all-important duty of selecting candidates for promotion in the Public Departments, it ought further, I would suggest, to be prescribed by Order in Council, that a Register should be kept in each of these Departments, of the conduct of the different persons composing its establishment. A Register is already kept in most of them of attendance; but it seems to me much more important that the manner in which the several clerks perform their duties should be recorded, than the mere fact of their punctual attendance. No doubt it is much more difficult to have a record showing how men perform their duties; but to a great extent this might, I think, be accomplished, by having a Register in which, whenever a clerk received the praise of his superiors for peculiar diligence or ability, shown in the performance of any

business entrusted to him, or when, on the other hand, he incurred reproof by negligence or inattention, the commendation or the censure should be recorded. Whenever a vacancy occurred which had to be filled by promotion, this Register would be referred to, and its establishment would be useful, not only on such occasions, but also as a valuable addition to the means of enforcing discipline and giving a stimulus to exertion, in the ordinary course of the business of the Department.

Such comparatively slight alterations as these might be expected to improve the working of the system of promotion in our Public Departments; but there is another obstacle to the complete efficiency of these Departments, which they would do nothing towards removing. I allude to the want of greater facilities for bringing men of talent and of mature age into the Public Service. With all its advantages, a regular system of promotion in the Government offices has the inconvenience of rendering it exceedingly difficult for the Ministers of the Crown to avail themselves of the great abilities and peculiar fitness for business, sometimes displayed by men who have not been brought up in official employment. It would be absurd to propose to such men to become junior clerks, with the duties and emoluments proper to youths of eighteen, and there are, under the exist-

ing arrangements, very few appointments of a higher order that can be conferred upon them without disappointing the just expectations of those who have made the Public Service their profession. What seems to be wanted is, that there should be a few more offices placed upon the same footing as the permanent Under-Secretaryships of State and the corresponding situations in other Departments, which are very properly regarded as not falling within the regular course of promotion. The members of the Department where the vacancy occurs are not ineligible for these appointments, but are not regarded as having any preferable claim to them; and in general they are given to men not previously in the Public Service. This ought to continue to be the practice, not only because a wider field of selection is thus given to the Government in filling up situations of great importance, but also because other pursuits in life are more likely than the training of a public office, to produce men well fitted for these employments.

A moderate addition to the number of offices disposable in this manner, would greatly facilitate the efficient management of public affairs; and if the Ministers, who keep their places only while they retain the confidence of Parliament, are to be held responsible for the manner in which the Public Service is conducted, it is only just that they should

be enabled to obtain the best assistance. No increase of offices of this sort ought, however, to take place at the price of diminishing the prospects of reward now held out to those who have made the Public Service their profession. On the contrary, it seems to me that these prospects require to be improved. I see no reason to doubt the sufficiency of the general scale of salaries in our Public Departments ; but I consider that, under the strong pressure of the desire for economy which formerly prevailed in the House of Commons, the abolition of the agencies, and other appointments of little labour which were often held with clerkships, has been carried too far, and has unduly restricted the means which the Government possessed, of rewarding peculiar merit in its permanent Servants. This is a fault which I should be glad to see corrected, at the same time that provision was made for enabling the Government to confer a few more offices, of some value, on men who have not risen to them in the regular order of promotion.

Improvements of this kind, and others which it would not be difficult to suggest, might be introduced with advantage into our Civil Service ; but in making any such changes, I am persuaded that a departure from the main principles of the system on which that Service is now conducted ought to be most carefully

avoided. This remark applies more especially to the tenure by which the Civil Servants of the State generally hold their offices.

The safe working of Parliamentary Government depends in no small degree upon strictly adhering to the practice upon this subject which I have described above, as having been for a long time firmly established in this Country. Much evil would arise from departing from it in either direction; on the one hand, by more directly limiting the authority of the Ministers of the Crown to dismiss any of its subordinate servants; on the other, by allowing a more frequent or capricious exercise of this authority. I have already pointed out the bad consequences to be apprehended from the last; those of deviating from the existing practice on the other side would be but little less serious. An absolute legal power on the part of the Crown to dismiss any of its Servants, on the advice of its responsible * Ministers, is indispensable, in order to give to the latter that authority over those by whose agency and assistance they carry on the public business, without which they could not

* When the responsible Ministers of the Crown are themselves dismissed, the Sovereign must necessarily act in the first instance without advice; but it is now, I believe, a settled point, that those who accept the offices thus vacated, render themselves responsible for the dismissal of their predecessors, so that this forms no exception to the general rule, that there can be no exercise of the Crown's authority for which it must not find some Minister to be responsible.

justly be held accountable by Parliament for the manner in which affairs are conducted. No law could define the misconduct or incompetence for which offices now regarded as permanent might be taken away, in such a manner as to allow the tenure of these offices to be made legally during good behaviour, without the risk of having the Executive Government paralyzed by the passive resistance of persons holding these situations, and by the obstructions they would be able to throw in the way of Ministers they wished to oppose. Law would be too clumsy an instrument for regulating the conduct of the Ministers of the Crown and the permanent Civil Servants of the State in their relations to each other. This is now far more effectually and far more safely accomplished by the power of opinion.

So great is the authority of opinion, that no Minister now ever thinks of dismissing a public Servant from those offices which are regarded as permanent, unless for gross misconduct; but at the same time he has the power (and opinion would support him in using it) of dismissing such a servant for misconduct, which it might be impossible for any law to define beforehand, and of which there might be no legal evidence, though there was a moral certainty. An attempt to embarrass the Government by passive resistance, and by those dif-

faculties which might so easily be thrown in its way by its permanent Servants, if they were independent, would be precisely the kind of misconduct which would be most dangerous, and of which either a legal definition beforehand, or the proof by legal evidence, would be most difficult. The knowledge that there is no restraint by law on the power of dismissal, to prevent a Minister from dealing with such a case as it would deserve, has probably been the principal reason why such cases do not arise; and, by preventing the possibility of a struggle between a Government and its Servants, has kept up the good feeling which has hitherto existed between them. All who have had experience of the manner in which the business of our great Public Departments is transacted, would, I am sure, concur with me in bearing witness, that it is a point of honour among the permanent Members of these Departments, not to allow any party feelings to interfere with the zealous and faithful discharge of their official duties; to give their assistance, within the sphere of those duties, as cordially and honestly to a Ministry from which they differ in political opinions, as to one composed of their own friends; and to abstain carefully from taking part in active opposition to their official superiors for the time being, however much they may be opposed to them in feeling.

This respect, on the part both of Ministers and of their subordinates, for rights and duties not defined, or capable of being so, by any positive law, can only be enforced by public opinion, jealously watching and marking with reprobation every departure on either side from those rules of conduct which have now been observed for many years with so much advantage. Few greater misfortunes could happen to the Country, than that they should fall into disuse; I think it therefore right to remark, that some symptoms of danger to their permanence may perhaps be observed. What is most to be feared is, that the habit which has grown up of regarding situations in the Public Service as having almost the character of freeholds, may lead their possessors to consider themselves too safe from dismissal, and may thus encourage them to depart from that understanding which has hitherto existed, that persons employed by a Government are not at liberty to oppose it, and, above all, not to use the Press as the means of doing so. No Administration could long submit to an internal opposition from its own Servants; but would be driven to put down any attempt of the kind, by exerting the legal power of dismissing all who should directly or indirectly take part in it, from offices held technically during the pleasure of the Crown. It would indeed be the duty of a Minister to use this power,

rather than suffer his measures to be obstructed, and perhaps defeated, by the very persons upon whose agency he is obliged to depend for carrying them into execution.

But a few dismissals of public Servants on such grounds, would go far to shake the whole system of regarding the tenure of non-political offices as one during good behaviour, and to substitute for it the practice which now prevails in the United States. Secret opposition to the Government is not a charge which could easily be proved against a permanent Civil Servant, even though there might be such a moral certainty of its truth as would justify the punishment of the offender by dismissal. But the more grounds there might really be for inflicting such a punishment, the more surely it would be denounced as an injustice by the political friends of the sufferer; so that, if power were subsequently to come into their hands, they might be expected to retaliate by a similar measure directed against some friend of their opponents, perhaps on much lighter grounds. For it is a truth which ought never to be lost sight of, that rules of conduct restraining the violence of political parties, which rest only upon opinion, are peculiarly liable to be broken down by departures from them, which, in the first instance, may be of rare occurrence, and of apparently trifling importance, but which gradually

increase in frequency and in gravity. A first infringement (perhaps not without some plausible reason) of a wholesome conventional rule, by one party against its opponents, becomes a precedent and an excuse for their also breaking it, when they in turn have the power of doing so, probably with somewhat less ground for it. Thus one departure from the rule is followed by another and another, with less and less justification, until the authority of the rule is altogether destroyed. This is the process by which the decay of free institutions has been too often brought about, through the gradual deterioration of political morality in party contests. Great therefore is the responsibility of those who set the first examples of even trifling departures from any wholesome rule of political conduct which men have been accustomed to respect.

These considerations lead me to regard with great alarm some few examples, which have of late years occurred, of persons who hold permanent offices under the Government meddling in political contests by being concerned in party newspapers, or writing in the newspapers on the disputed political questions of the day. Whether this is done in order to support or to oppose the Administration for the time being, is not very material; in either case, such conduct is a departure from that strict neutrality in party

contests which it has hitherto been considered the duty of the permanent Civil Servants to observe, and which is the only condition on which they can hope that their present secure tenure of office will be allowed to continue. On the appointment of a new Government after some great party struggle, could the Ministers who succeeded to power be blamed, if they regarded as political offices, and therefore liable to change, those places which they might find in the hands of men who had, through the newspapers, been taking an active part in the contest?

I must not, however, pursue this question further; and, before I close this Chapter, I will only add, that the conclusions to be drawn from a consideration of the whole subject to which it relates, may, I think, be thus summed up. The practice of our Government, in all that relates to patronage, has been greatly improved in the last century; the system which has by degrees grown up, with respect to the appointment of the Servants of the State, is upon the whole a good one; and, though still susceptible of further improvements, it is to the influence of a sound public opinion, rather than to any new laws or regulations with regard to patronage, that we ought to look for preventing it from being made the instrument of corruption. If this object were sought, by depriving the Ministers of the Crown of all powers susceptible

of being abused, the Government must be reduced to a state of utter helplessness, since it cannot possess vital force and energy without having power to reward those who serve it well, and to employ those it thinks most capable of doing so; while the means placed at its disposal for these purposes may, by their very nature, be perverted to the ends of corruption. No law can effectually guard against this abuse; for laws can only take cognizance of men's acts, not of the motives which guide them in the exercise of a discretionary power. But opinion can judge of matters which are beyond the reach of positive law; and the corrupt use by a Government of the patronage with which it is entrusted, will be effectually restrained by public opinion, if only public opinion itself is sound, and the Nation shows itself to be capable of appreciating what is honourable and right in the conduct of its rulers, and prompt to reprobate what is wrong. If the feelings of the People themselves were thoroughly right and earnest upon these questions of patronage, those who wield authority over them would, even from selfish motives, be careful to abstain from abuses which would then only bring them into disgrace. This is but another proof of that great truth, which cannot be too constantly borne in mind, that the success of all free Constitutions depends far less on their particular form, than on the spirit and public

virtue of the People to be governed by them. When a strong sense of public duty, respect for the constituted authorities and for the law, and a high standard of political right and wrong generally prevail in a Nation, even very defective institutions will produce the fruits of good government; while, with a People of an opposite character, the best Constitution which the wit of man could devise will fail to prevent the worst abuses, and to guard against the ultimate establishment of tyranny in the hands of a mob, of an oligarchy, or of a single despot.

CHAPTER VIII.

PARLIAMENTARY GOVERNMENT IN THE BRITISH
COLONIES.

ALTHOUGH it formed no part of my original design to inquire how far the system of Government I have been considering is adapted to the British Colonies, yet as the question is both highly interesting in itself, and also one upon which some light may perhaps be thrown by the reasoning contained in the foregoing pages, a few remarks upon it will not, I trust, appear misplaced at the end of this Essay. It will be my object in the following Chapter to support, by some additional reasons, an opinion I have elsewhere* expressed, against the hasty extension to all the British Colonies possessing representative institutions, of what is generally known in them by the name of "Responsible," but ought rather to be called "Parliamentary" or "Party" Government.

* See 'Colonial Policy of Lord John Russell's Administration,' vol. i. pp. 33-37.

Referring to the account I have given* of the evils that generally belong to Parliamentary Government, and detract from its advantages, I have to observe that, owing to the conditions under which it has to work in Colonies at an early stage of their progress, the worst of these evils are likely to be felt there more seriously than they are in a great Nation. And first, with regard to corruption. In such Colonies the Legislatures, being drawn from a small population, can consist of but a small number of Members; and when Assemblies, composed of such limited numbers, are invested with all the power given to them by a complete control over the Executive Government, the high relative value of individual votes affords a strong temptation to the exercise of corrupt influence for the purpose of gaining them. We may therefore expect that a strong tendency to jobbing and corruption will be shown by the Colonial Legislatures. This apprehension is strengthened by our experience of Municipal Corporations in this country. The Town Councils of English Boroughs are not very unlike these Assemblies, either in the number of their members, or in the general character of the business with which they have to deal; and it is notorious how apt they are to allow their conduct to be warped by private interests, to the injury of the

* See Chapter III.

public.* Yet, there are checks upon the misuse of their power by English Corporations, from which Colonial Assemblies are free. The former are subject to the immediate control of Parliament, and of Courts of Law perfectly independent, and above being affected by local passions; and, what is still more important, they are amenable to the opinion of a Public of which the community they represent forms but a small fraction, and over which they can exercise little or no influence. In all these respects, the circumstances in which Colonial Assemblies are placed are very different, and much more likely to encourage abuses.

Again, from the state of society, and from the nature of their occupations, there are but few of the inhabitants of the Colonies, even in proportion to their numbers, who are well qualified for the Public Service, and can also afford to devote their time to it without making it their profession. Serious difficulty cannot fail to arise from this cause in providing for the effective performance of the business of the higher offices of Colonial Governments, when they are held by the uncertain tenure of the support of a Parliamentary majority; and, what is worse, those

* Some remarkable examples of the gross abuses that take place were brought to light by the recent inquiry into the state of the police in corporate towns.

who so hold these offices will be exposed to a strong temptation to avail themselves of their power while it lasts, to grasp at irregular gains, in order to make up for what they might otherwise lose by relinquishing their private occupations for precarious employment in the Public Service. The temptation to do so will be rendered more powerful by the low salaries usually attached to these offices, and by the facilities for jobs of various kinds afforded by the circumstances of an advancing Colony.

Of all the evils, however, incidental to Parliamentary Government, its tendency to give a pernicious influence to party spirit is probably that which will be most aggravated by the circumstances of a comparatively small society. Factionous animosities are usually bitter in proportion as the field in which they are displayed is contracted, partly perhaps because hostile partisans are there brought more immediately into contact with each other. Accordingly, party spirit is generally found to be very acrimonious in Colonies, even when they do not enjoy Representative institutions; it can therefore be no matter of surprise if it should run to great excesses, when they are brought under a system of government of which Party is the basis, and which recognizes party contests as the legitimate means for determining by whom office and power shall be enjoyed.

The tendency of this kind of government to inflame party animosities, and to give undue influence to party considerations in the administration of public affairs, is likely to be the more felt in the smaller Colonies, because matters directly affecting the interest of individuals occupy so large a share of the attention of their Governments and Legislatures. These Legislatures have seldom occasion to consider those high questions of national policy, affecting the relations of the State with foreign Powers and with its dependencies, which take up so much of the time of the Imperial Parliament. They are principally occupied with questions as to local improvements and works of utility; as to the mode of dealing with the public lands; as to taxation; and as to the amount of the Civil Establishment, and the rate at which salaries should be fixed. These questions are also considered and decided much more with reference to their bearing on the personal interests of individuals, than the corresponding questions in a larger society. Questions of commercial policy and of taxation, with which Parliament has to deal, do indeed deeply affect the interests of individuals, and so also do those as to the amount of establishments to be maintained, and the rate at which public servants are to be paid. And it is also true that it is their effect upon private interests which has often caused such questions to

be discussed in this Country with so much eagerness. But still they are here considered as affecting the interests of numerous classes, rather than those of individuals. It happens comparatively seldom that Members of the House of Commons know anything of the effect the votes they give upon such questions will have on the interests of particular persons, and they are still more rarely influenced by the consideration that a certain vote will benefit or will injure Mr. A. or Mr. B., for whom they may entertain feelings of regard or animosity. But in a small Colonial Assembly there is hardly any question to be decided, with respect to which the Members do not know how it will affect the interests, not only of classes of the community, but of particular men whom they are daily meeting, and who are regarded by some of their number as friends and by others as enemies.

So also with regard to the measures of the Executive Government. In deciding on the measures of the Government, and on the various administrative questions that come before them, the Ministers of the Crown in this country can rarely be exposed to the temptation of allowing themselves to be influenced by a consideration of the manner in which the interests of particular persons will be affected by their determination. In a small Colonial society, on the contrary,

the Members of the local Government must often be aware that its acts will have a material influence on the interests of persons well known to them, and who are regarded by them as friends they wish to serve, or as political enemies they are not sorry to injure. Even, therefore, though they may conduct themselves with perfect impartiality, and although they should never yield to the temptation of showing favour to their supporters, or the reverse to their opponents, (which, when party struggles run high, it is not easy to suppose will always be the case,) it must be difficult for them to gain credit for acting with this high regard to principle.

These circumstances help to explain the extreme bitterness of party strife in the Colonies, even before "Responsible Government" was introduced, and why it is that discussions in their Assemblies have ever been apt to be carried on in that tone of virulent personality which must strike all who are in the habit of reading the accounts of their debates. Where this spirit prevails, and where sometimes one faction, sometimes another, is invested with the whole power of the Government, it is obvious that little fairness towards opponents is to be expected in the use made of that power, by those in whose hands it is placed for the time. The patronage of the Government is more especially likely to be abused under

such circumstances, and there is much danger that it may be so in the manner most pernicious to society, by conferring judicial appointments on unscrupulous partisans, thus throwing discredit on the administration of justice, which it is so important to keep, not only pure, but above suspicion.

This system of government has not been established in our Colonies long enough to allow these evil tendencies to show themselves in a very marked manner; but symptoms of their existence may already be detected, and general reasoning warrants the apprehension that, by degrees, they will become more manifest, and will bear their natural fruit, unless some means of preventing their development can be discovered. But these means have still to be found. An able Governor, it is true, by a judicious use of the influence of his office, rather than of its authority, may do something to mitigate evils as they arise, and to check corruption and party violence, but his power in this respect is very limited. Nor ought it to be overlooked, that a Governor appointed by the Crown, and bound to obey the instructions he receives by its authority, while he is at the same time required to carry on his administration by means of Ministers who are responsible to the local Legislature for every act of the Government, is placed in a difficult and anomalous position. It is to be feared that the difficulty of re-

conciling this system of Government with the relation of a Colony to the Mother-Country has not been felt as strongly as it is likely to be hereafter; and that, without great judgment and forbearance on both sides, it will be impossible to maintain that authority on the part of the latter, without which its connection with its dependencies would be reduced to a barren and onerous responsibility.

From what I have said, it will be seen that the circumstances of the Colonies, and the relation in which they stand to the Parent State, are calculated to increase the difficulties of Parliamentary Government, and to aggravate some of the worst faults which I have described in the preceding pages as inherent in its nature, and as constituting no small drawback from its advantages even among ourselves. On the other hand, these same circumstances, and the connection of the Colonies with the Mother-Country, rendered their adoption of Parliamentary Government unnecessary for some of the purposes it answers in this Country, and afforded facilities for securing to these young societies all the substantial advantages of good government, and of political freedom, under such Representative Constitutions as many of them formerly possessed.

These Constitutions bore a strong resemblance in their working to that of England before the Revo-

lution of 1688. I have already shown that at that period, when the Sovereign not only reigned but governed (to adopt the distinction drawn by a French statesman), the system of government in England was altogether unlike what it has now become, under a Constitution nominally the same; and I have observed that it was well suited to the state of society at that time. I have now further to point out, that it had some important advantages over the system by which it has been superseded, when it was administered by wise Sovereigns. Party spirit was not excited by it, as it is by Parliamentary Government; and the power possessed by the Crown, of distributing rewards and public employment without reference to any consideration but the merits of those on whom they were conferred, called forth great zeal and ability in the service of the State, and conduced to a vigorous administration of the affairs of the Nation with comparatively little taint of corruption. At the same time, the necessity of applying to Parliament when supplies beyond the ordinary revenue were required, acted as a check upon the improper exercise of the large powers entrusted to the King; and, while it enforced economy in the public expenditure, it also gave weight to the remonstrances of the Representatives of the People when they were called for by any abuses. With Kings who were fit for their high office,

and had judgment enough to understand the necessity of keeping on good terms with their Parliament, this was a sufficient security against misgovernment.

If we were to form our judgment only from the best reigns, it would be difficult to resist the conclusions that, at all events so long as the affairs of the Country had not grown to be highly complicated by its advance in wealth and population, this system of government worked better than our own would have done. But there was this great, not to say fatal, drawback from its advantages, that its success depended entirely upon the personal character of the wearer of the Crown; and that, while it was impossible that the reins of government should not sometimes fall into bad hands, the Law and the Constitution provided no means by which the great power attached to the kingly office could be taken from an unworthy holder. The only effectual remedy the Nation possessed against an abuse of the Royal authority was by armed resistance to it,—a remedy much too violent and dangerous to be used, except in extreme cases.

The institutions of the British Colonies, possessing Representative Legislatures, having been originally modelled on our own, the powers entrusted by them to the Governors were until lately almost the same as those exercised by the English Kings prior to the Revolution of 1688; and their possession of these

powers, when they used them wisely, was productive of the same benefit to those over whom they ruled. But there was this most important difference between a Colonial Governor and an English Sovereign of the Houses of Plantagenet or Tudor, that the former was responsible to a distant and generally an impartial authority, to which the Colonists could always appeal to relieve them from a Governor who abused his power. The Crown could recall any Governor who failed in the discharge of his duties; and if it refused to do so on a well-grounded complaint from the inhabitants of a Colony, they were entitled to lay their grievance before Parliament, to which the Ministers on whose advice the Crown had acted were bound to answer for what had been done.* Thus the chief objection to the system of Government which formerly prevailed in this Country did not apply to its operation in the Colonies, while there was no apparent obstacle to its producing in them the same advantages it had done here.

Unfortunately, however, when public attention began

* It will be seen from the above statement that the responsibility of Colonial Governors under the former system of Government was a substantial one. It was therefore a mistake to give to Parliamentary or Party Government in the Colonies, the name of "Responsible Government," in order to distinguish it from that which it superseded. Under the old system, the responsibility of those who exercised power was quite as real as under the new one; perhaps it was even more so.

to be directed to Colonial affairs, this form of government, which was in itself admirably adapted for promoting the welfare of young societies, had become discredited by the manner in which it had been administered, and by abuses of different kinds which had been suffered to grow up. During the long war of the French Revolution, the spirit of reckless extravagance in which the government of this Country was carried on (the natural consequence of providing for a large part of the national expenditure by loans), extended to the Colonies, and led to the practice of defraying many charges of their internal government by grants of the Imperial Parliament. This practice, beside other objections to it, had the bad effect of depriving the Legislatures of these Colonies of their due weight. When the Governors had the easy resource of drawing upon the British Treasury, for expenses they could not induce the Colonial Assemblies to provide for, they were not obliged to show the deference to these Bodies that would otherwise have been necessary, and were thus encouraged to pay too little attention in their administration to the wishes and opinions of those over whom they ruled. To the same cause must also be attributed the bad system which arose, of the Ministers of the Crown abusing their Colonial patronage, for the purpose of strengthening their own Parliamentary interest. In proportion as

the pecuniary assistance of Parliament diminished the need for the willing co-operation of the local Legislatures in the government of the Colonies, the Ministers of the day naturally grew less solicitous to obtain this co-operation by a good administration, and at the same time became too anxious to use their Colonial patronage to maintain their ascendancy in the Imperial Parliament. There can be no doubt that, in the times I am speaking of, unfit men were often appointed to governments, and to other important offices in the Colonies, to the great injury of their inhabitants; and it is probable that the true explanation of this fact is to be found in the circumstance I have mentioned.

The practice of providing for Colonial expenses from the British Treasury, and the consequent abuse of Colonial patronage, which had been encouraged by the great war of the Revolution, did not cease with its termination; and it was not until after the passing of the Reform Act of 1832, and mainly owing to that measure, that a change of system was gradually accomplished. There was, however, another cause which contributed to the mal-administration of the Colonies, and which Parliamentary Reform did nothing to remove: I refer to the commercial policy to which this Country so long adhered. While it continued to be a received opinion in the Country, and a fixed principle of our legislation, that the chief advan-

tage the Parent State had to look for from her Colonies was the monopoly of their trade, and while they were held to have a right in return to peculiar favour for their produce in the British market, questions were continually arising on which there was a conflict of interests, or of supposed interests, between the Nation and her Dependencies. So long as this state of things lasted, Governors appointed by the Crown were necessarily liable to be brought into antagonism with the societies placed under their authority, and to be suspected of not always exercising their power with a single view to the welfare of the governed. It was not until the new commercial policy of this Country, (begun by the Repeal of the Corn Laws in 1846, and completed by that of the former Navigation Laws in 1849,) had been sanctioned by Parliament, and had at length, after a severe struggle, been acquiesced in by the Colonies, that the administration of their affairs by Governors appointed from home ceased to be exposed to a disturbing influence from this cause.

Abuses of a different kind had also arisen in some Colonies. In Jamaica, for instance, a large part of the duties which, according to the British Constitution, properly belong to the Executive Government, had been transferred to Committees of the Assembly. This was particularly the case with regard to financial business. The Governor, as representing the Crown,

had lost the right which belongs to the Sovereign in this Country of originating all grants of money by recommending them to the Representative branch of the Legislature. He had also lost the control of the sums granted by the Assembly, and the duty of superintending their application to the Public Service. These functions had been assumed by the Assembly, or by the members of that body under another name, who were thus invested with great power without a corresponding responsibility. The consequence was, that gross abuses and extravagance in the public expenditure had prevailed, as might have been expected.

Owing to these and other causes, (among which must be reckoned the slight attention which Parliament, during the long war, and for some years afterwards, was in the habit of giving to the affairs of the Colonies,) the Representative Constitutions, which some of them possessed, had failed to work in a satisfactory manner, and there were good grounds for general complaints of mal-administration, when the demand for "responsible government" arose, and was granted in Canada. The circumstances of that Colony were such as, perhaps, to render this, upon the whole, as good a plan as could have been adopted for administering its affairs, when the union of the two Provinces of Upper and Lower Canada had brought a large population under the authority of the

same Legislature. But it may well be doubted whether the imitation of Canada has not led to the premature introduction of a similar form of government in Colonies at present ill fitted for it, and in which Representative Constitutions of a different character would have worked better.

This remark applies especially to the Australian Colonies, which have availed themselves of the power of altering their Constitutions, conferred upon them by Parliament in 1850, in order to establish "responsible government." In New South Wales and Victoria this form of government has superseded a Representative Constitution of a different character, which was granted to these Colonies, then undivided, by an Act passed in 1842. The Constitution given at that time to New South Wales differed in some important points from the ancient form of Colonial Constitutions, but it substantially agreed with them in respect to the nature and extent of the powers with which it invested the Governor. Though it was hardly in operation long enough to give it a very fair trial, this Constitution may be considered to have had very tolerable success. While it continued in force, party spirit occasionally ran high, and controversies sometimes arose and were carried on with no little acrimony between the Governor and the Legislature. That Body was also guilty of several very obvious

mistakes, but in general its measures were well directed to meet the wants of the community. The finances were, during this period, judiciously managed, the laws were vigorously and impartially administered, and the Colony made rapid advances in wealth and prosperity.

The new form of government which has been substituted for that which produced these results, has not hitherto appeared to work equally well. Changes of administration have followed each other with almost ludicrous rapidity, and those who have been successively called upon to fill the chief places in these ephemeral Governments, have been able to accomplish little for the public good. Their failure to do so is no proof of their unfitness for their offices, though it must obviously be difficult to induce able men to devote themselves to these offices, when their tenure of them is so fleeting. Even if men of the highest capacity had under this system been called to power, their short tenure of it, and their want of adequate authority even while in office, from their never being able to command more than a precarious majority, must have prevented the affairs of the Colony from being managed by them on any settled and consistent plan. All the advantages of following a steady and well-considered course of action are lost, when power is perpetually shifted from the hands of one set of

men to those of another, having perhaps quite opposite views. In this respect the new system has proved very inferior to the old one, under which the Governors were themselves responsible for the policy they pursued, and were assisted in their administration by men who held the chief offices under them during good behaviour, instead of at the uncertain pleasure of a Parliamentary majority, and were answerable only for executing faithfully the directions they received. Under the new arrangement, the government of these Colonies has been conducted with little steadiness or energy, and their Legislatures, instead of applying themselves diligently to the public business, and then allowing their Members to return to their private concerns (from which in a young society they cannot be long detained without injury to the community), have been spending valuable time to little purpose, in party struggles, and in debates arising from the frequent changes of administration.*

From the accounts that have been published of recent political transactions in these Colonies, such appear to have been the effects of the last changes in

* The first Session of the Parliament of New South Wales, after responsible government came into operation, lasted for five months. In that time but one single Bill was passed, an Act to authorize a loan, which went through both Houses in about an hour. The remainder of the protracted Session seems to have been chiefly devoted to Party squabbles and the overthrow of two Ministries.

their form of government. It is right however to add, that those changes were not confined to bringing the Executive Government under the immediate control of the Legislatures, by adopting the principle of "responsible government," but included an alteration in the Constitution of the Legislatures. By the Acts of Parliament of 1842 and 1850, the Legislatures of New South Wales, and the other Australian Colonies, were made to consist of a single Chamber, of which one-third of the Members were nominated by the Crown. This arrangement has been altered, and Legislatures have been created, consisting of two Chambers, and not admitting any nominated Members to sit with the Representatives of the People. The wisdom of this alteration, at the time it was made, may be questioned, since the former Constitution of these Legislatures was peculiarly adapted to diminish the difficulties inseparable from the first establishment of Parliamentary Government in Colonies which still have but a small population. With a Legislature of a single Chamber, the want of a sufficient number of fit persons to compose it was less felt, than when the Members are divided into two bodies; and if the Crown's power of nominating one-third of the former Legislative Councils had been allowed to continue, on the establishment of Parliamentary Government, it would have been practi-

cally exercised by the Administration of the day, and would thus have conferred upon it that authority in the Legislature which I have shown to be the very foundation of this system of government, and the want of which has been so much felt since it was adopted in the Australian Colonies. It would also have tended to prevent the embarrassment that arises from Parties being so divided, that none is strong enough to govern, but each has sufficient power, when combined with the allies it finds in Opposition, to render government by its rivals impossible.*

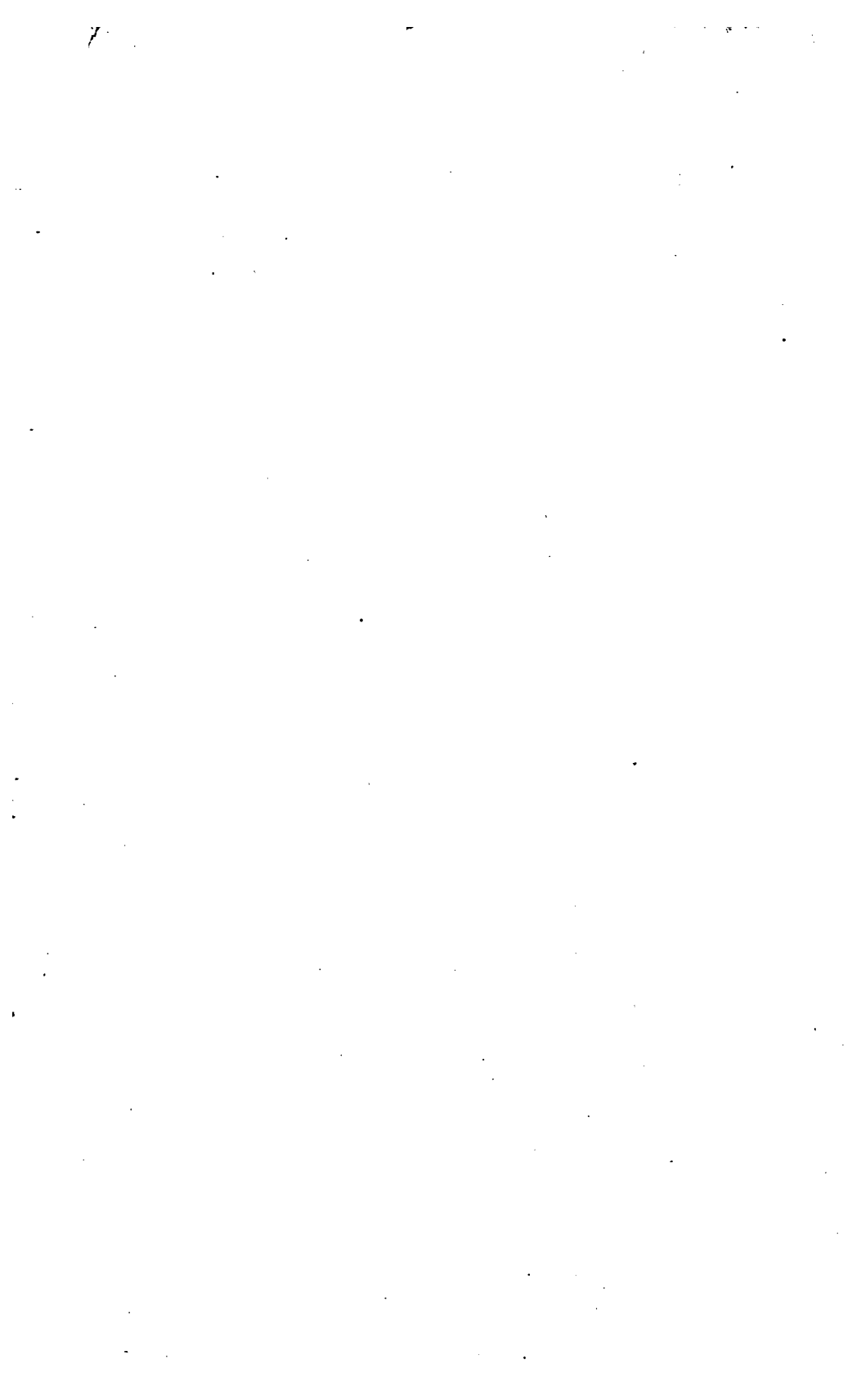
These are considerations it would have been well to have weighed carefully, before the Australian Colonies resolved so hastily to use the power of altering their Constitutions which Parliament had conferred upon them, and to adopt alterations recommended to them, as the result seems to prove, with very little

* The nomination of one-third of the Legislative Council on the advice of an Administration supported by a majority of that Body, would probably have had an effect not very different from that produced by the election of the Aldermen in the reformed English Town Councils by the Council itself. This arrangement was agreed to as a compromise between the two Houses of Parliament in passing the Municipal Reform Act of 1835; it is entirely different from either of the opposite plans which each House at first adopted, and its consequences were foreseen by no one when it was suggested as a mode of getting out of a difficulty. It has however, I believe, worked well, by preventing a too even division of parties, and generally ensuring what is called "a working majority" to one party or the other in the Town Councils.

political wisdom. Happily, however, so little is required from the Government of these young communities, and their prosperity depends so much more upon the enterprise and energy of individuals in their private affairs, than upon the skill with which public business is conducted, that there is no cause for apprehending any serious check to their advance from the error I believe them to have committed. We may also trust that the practical good-sense, and the capacity for self-government, which distinguish the English race, will enable the inhabitants of Australia ultimately to find some means of correcting any evils that may arise from the political institutions they have adopted.

THE END.

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